



# DC<sup>TO</sup> RICHMOND

*SOUTHEAST HIGH SPEED RAIL*

## RECORD OF DECISION

**September 5, 2019**

**Prepared by**  
U.S. Department of Transportation  
Federal Railroad Administration  
*and*  
Virginia Department of Rail and  
Public Transportation

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- A Final Section 106 Memorandum of Agreement
- B Department of Interior Final Section 4(f) Concurrence
- C DC2RVA Project Commitments
- D Comments on the Tier II Final EIS



# Record of Decision

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This document records the Federal Railroad Administration's (FRA) decision on the Tier II Environmental Impact Statement (EIS) for the proposed passenger rail service and rail infrastructure improvements in the 123-mile north-south corridor between Washington, D.C. and Richmond, VA – collectively known as the Washington, D.C. to Richmond Southeast High Speed Rail (DC2RVA) Project (Project). The EIS was completed in partnership with the Virginia Department of Rail and Public Transportation (DRPT), the State lead agency for the Project.

## 1 INTRODUCTION

FRA has prepared this Record of Decision (ROD) in accordance with the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) §1505.2) and FRA's Procedures for Considering Environmental Impacts (64 Federal Register (FR) 28545 (May 26, 1999)). Specifically, this document provides a concise public record of decision that:

- a) Provides background on the NEPA process leading to this ROD, including a summary of public involvement and agency coordination during the Tier II Draft and Final EIS documents (Section 1.1 through Section 1.5)
- b) Summarizes the alternatives development process that led to the identification of alternatives considered in the Tier II Draft and Final EIS documents (Section 2.1 and Section 2.2)
- c) Identifies FRA's decision, i.e., FRA's Selected Alternative, the incremental approach to implementing the infrastructure and service improvements of the Selected Alternative, including completing design, obtaining permits and regulatory approvals, and implementing mitigation on an incremental basis, and discusses all factors that were considered in making this decision, including the alternative which is environmentally preferable (Section 2.3 and Section 2.4)
- d) Summarizes the potential environmental effects and related determinations and findings, including all practicable measures to avoid or minimize environmental harm and identification of future permits and regulatory needs to be addressed through the incremental approach (Section 3)
- e) Details mitigation measures and commitments to be implemented through the incremental approach (Section 4 and Attachment C)

- f) Summarizes comments received during the 30-day waiting period following the publication of the Tier II Final EIS and provides responses to those comments (Section 5 and Attachment D)
- g) Presents the FRA decision (Section 6)

This ROD identifies the Selected Alternative for the DC2RVA Project, which is the Preferred Alternative as presented in the Tier II Final EIS (as described in Section 2). This ROD also includes the final executed Memorandum of Agreement (MOA) describing the resolution of adverse effects to historic resources associated with the Project (Attachment A). The MOA was prepared in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. § 300101, et seq.).

In addition, this ROD includes the final Section 4(f) determination, based on the Section 4(f) Evaluation in the Final EIS, prepared in accordance with Section 4(f) of the Department of Transportation Act of 1966 (Section 4(f)) (49 U.S.C. § 303).

### 1.1 NEPA Process and Project Background

FRA, in partnership with DRPT, has prepared this ROD for the proposed development of the Project as required by NEPA and based on the findings in the DC2RVA Tier II Final EIS.<sup>1</sup> The final EIS was published on May 31, 2019 and is available on FRA's website and notice of the EIS was published by Environmental Protection Agency (EPA) in the Federal Register (84 FR 252570 (May 31, 2019)).<sup>2</sup>

The EIS is the second level of a tiered environmental process. In October 2002, FRA and the Federal Highway Administration (FHWA), in coordination with DRPT and the North Carolina Department of Transportation, completed a first-level Tier I EIS and ROD for the Southeast High Speed Rail (SEHSR) corridor between Washington, D.C. and Charlotte, NC (hereinafter referred to as the "2002 Tier I EIS").<sup>3</sup>

The 2002 Tier I EIS defined the physical limits for passenger rail improvements in the 500-mile corridor between the endpoint cities, from which subsequent Tier II studies would define the specific alignment and infrastructure improvements and service plan details for an independent section within the larger corridor. Accordingly, this Tier II DC2RVA Project is focused on the northernmost portion of the SEHSR corridor. Specifically, the Tier II DC2RVA Project focuses on the 123-mile portion of the corridor between Washington D.C. (starting on the south bank of the Potomac River) and Richmond, VA (ending at Centralia, VA), operating on existing CSX Transportation (CSXT) right-of-way and in which existing freight, conventional passenger, and commuter trains operate.

The 2002 Tier I EIS also assumed a maximum speed of 110 mph with an average speed of approximately 70 mph along the full length of the SEHSR corridor between Washington, D.C. and Charlotte, NC. The 2002 Tier I EIS concluded that additional track would be required along sections of the rail corridor between Alexandria and Richmond to accommodate the freight and passenger growth needs of all rail users and institute higher speed passenger service; however,

<sup>1</sup> The Final EIS and its technical appendices are available on the Project website: <http://dc2rvairail.com/final-eis/>

<sup>2</sup> <https://www.federalregister.gov/documents/2019/05/31/2019-11381/environmental-impact-statements-notice-of-availability> and <https://cdxnodengn.epa.gov/cdx-enepa-II/public/action/eis/details?eisId=273681>

<sup>3</sup> <https://www.fra.dot.gov/Page/P0427>

the 2002 Tier I EIS did not specify the extent of additional track required or the possible higher speed that could be accommodated specifically between Alexandria and Richmond.

In the 2002 Tier I EIS, FRA and FHWA also made the following programmatic-level environmental decisions that are the basis of this Project: the use of existing fossil fuel locomotive technology; the use of existing rail corridors (in preference to new alignments); and applying an incremental approach of building the corridor in sections as funds become available. The approach described in the 2002 Tier I EIS sought to minimize cost and potential impacts to the environment by utilizing existing railroad tracks and rail rights-of-way as much as possible, and recognized it was unlikely that funding to build the SEHSR program would become available all at once due to the size of the project. The incremental approach described in the 2002 Tier I EIS is being applied to the DC2RVA Project; the process for building the Project in sections as funds become available is described in Section 2.3.4.

With regard to train service, the 2002 Tier I EIS proposed up to eight new roundtrips per day along portions of the corridor, and proposed that these trains would serve all stations where Amtrak already provided service (not every train would stop at all stations). Four of these new daily round trips were proposed to be interstate service between Washington, D.C. and Charlotte, NC, with four additional round trips per day between Raleigh and Charlotte in North Carolina only. Subsequent to the 2002 Tier I EIS, at the request of the Commonwealth of Virginia, FRA extended the SEHSR corridor south and east to Hampton Roads, VA (to destinations in Norfolk and Newport News). In 2012, FRA and DRPT completed a Tier I EIS and ROD for the Richmond to Hampton Roads (R2HR) project<sup>4</sup> to cover the SEHSR extension, which defined the route and proposed up to nine daily round trips, consisting of existing and new frequencies to and from Hampton Roads. The Project incorporates the proposed train service from both the 2002 Tier I EIS and the 2012 R2HR project, as described in Section 2.3.1 of this ROD.

The DC2RVA Tier II Draft and Final EIS documents provide an analysis and presentation of the benefits and adverse impacts related to the infrastructure needs, operating conditions, and proposed service for the Project, as an independent component of the larger SEHSR Corridor.

## 1.2 Summary of Project Purpose and Need

The 2002 Tier I EIS established the overall purpose for the 500-mile SEHSR corridor between Washington, D.C. and Charlotte, NC: to provide a competitive transportation choice to travelers within the Washington, D.C. to Richmond, VA, Raleigh and Charlotte, NC travel corridor. The 2002 Tier I EIS also established the needs for the overall SEHSR program, which remain current for the SEHSR corridor, including the 123-mile DC2RVA Project corridor:

- Population Growth
- Freight Growth
- Congestion in the I-95 Corridor
- Air Travel Congestion
- Rail Capacity in the Corridor
- Reliable and Convenient Movement of People and Goods
- Air Quality
- Safety
- Energy Efficiency

The DC2RVA Tier II EIS carries forward the Purpose and Need of the 2002 Tier I EIS within the specific Washington, D.C. to Richmond, VA portion of the larger corridor. However, the Tier I

<sup>4</sup> Project documents related to the R2HR project are available at: <https://www.fra.dot.gov/Page/P0481>

and Tier II documents, while similar, address different actions. The 2002 Tier I Purpose and Need addressed the larger corridor to inform associated program-level decisions, whereas the DC2RVA Tier II addresses the specific infrastructure improvements necessary for the specific Washington, D.C. to Richmond rail corridor. Accordingly, the Tier II Purpose and Need builds upon the Tier I Purpose and Need, taking into account several conditions that are unique to the DC2RVA corridor:

- The Project would use an existing corridor that is owned and operated by a private corporation, CSXT.
- The DC2RVA Project would accommodate the planned growth of CSXT's freight service in order to sustain the intercity passenger rail service planned for the SEHSR corridor.
- Intercity passenger rail service would share capacity on the CSXT corridor with Virginia Railway Express (VRE) commuter service.
- Intercity passenger rail service and VRE commuter service operate on CSXT property through a series of negotiated agreements.
- CSXT has established a 90 mph maximum authorized speed criteria for intercity passenger trains in the DC2RVA Project.

The DC2RVA Project will increase the capacity of the railroad between Washington, D.C. and Richmond, VA to deliver higher speed passenger rail service, while also supporting the planned expansion of VRE commuter rail service and accommodating the forecasted growth of freight rail service by developing an efficient and reliable multimodal rail corridor. The DC2RVA corridor is a critical link between Amtrak's heavily traveled Northeast Corridor (NEC) and the developing SEHSR corridor extending south of Richmond.

### **1.3 Summary of Agency Coordination and Public Involvement**

#### **1.3.1 Cooperating and Participating Agencies**

The following Cooperating Agencies assisted FRA and DRPT in the development of the Tier II Final EIS for the Project, including the identification of the Preferred Alternative: the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Virginia Department of Transportation (VDOT), the U.S. Army Corps of Engineers (USACE), the U.S. Coast Guard (USCG), and the U.S. Environmental Protection Agency (EPA). There are 35 Participating Agencies, which include 1 federal agency, 2 state agencies, regional commissions, localities and organizations along/adjacent to the corridor, and operators along the railroad (as listed in Final EIS Section 2.2).

Additionally, because the Project involved rail infrastructure owned by CSXT, utilized by multiple operators, and crossed by roadway infrastructure owned by multiple jurisdictions, DRPT formed a task force of the transportation providers in the corridor to ensure effective coordination throughout the Project. DRPT hosted task force meetings quarterly, or as needed at Project milestones, beginning in August 2014 through November 2018. Participants at the task force meetings typically included FRA, DRPT, VDOT, CSXT, Amtrak, VRE, Virginia's Office of the Attorney General (OAG), and the Washington, D.C. District Department of Transportation (DDOT).

### 1.3.2 Summary of Meetings and Notifications

FRA issued a Notice of Intent (NOI) to prepare a Tier II Draft EIS for the portion of the Tier I SEHSR Corridor between Washington, D.C. to Richmond, VA on October 23, 2014 (79 FR 63483). Based on the geographic extent of the Project, FRA and DRPT implemented an extensive public involvement process to keep the public informed of the latest Project information and to provide opportunities to ask questions and inform the development of the Project, which is documented in Chapter 6 of the Tier II Draft EIS and Chapter 2 of the Tier II Final EIS. DRPT created a Project website to provide a way for interested parties to stay informed about the Project.<sup>5</sup>

During development of the Draft EIS, FRA and DRPT held three sets of public meetings at various locations along the corridor: four Scoping meetings (November 5, 6, 12, and 13, 2014); three Alternatives Development meetings (June 1, 2, and 3, 2015); and three Alternatives Review meetings (December 8, 9, and 10, 2015). Each round of public meetings also included a companion online public meeting on the Project website. Interested parties were invited to provide comments about the Project during and after each meeting through various formats: submitting a hardcopy comment form at the meetings; mailing the hardcopy comment form to the DRPT main office; submitting a comment form via the Project website; submitting a comment via the online meeting; emailing the Project email address; or calling the toll-free Project hotline.

On September 8, 2017, EPA published in the *Federal Register* a Notice of Availability (NOA) that included the DC2RVA Tier II Draft EIS (82 FR 42551). The NOA provided information on the dates and locations for the public hearings, information on availability of the Tier II Draft EIS for review, whom to contact with questions, and how to provide comments via multiple methods, as described above. FRA and DRPT provided a 60-day comment period on the Draft EIS from September 8, 2017 through November 7, 2017 and invited all interested agencies and the public to comment on the Tier II Draft EIS and attend the five public hearings (October 10, 11, 17, 18, and 19, 2017). FRA and DRPT distributed the Tier II Draft EIS to 325 federal, regional, state, and local agencies, elected officials, and other interested parties for their review and comments. The document was also made available for public viewing at more than 60 public libraries and government centers along the corridor, as well as on the Project website. The complete distribution list is documented in Chapter 8 of the Tier II Draft EIS. The Tier II Draft EIS identified recommended Preferred Alternatives in four of the six alternative areas for the Project, as described in Section 2.2 of this ROD: Area 2 (Northern Virginia), Area 3 (Fredericksburg), Area 4 (Central Virginia) and Area 6 (Richmond), and deferred recommendation of Preferred Alternatives for Areas 1 (Arlington) and 5 (Ashland) to the Tier II Final EIS.

Additionally, in response to a high level of local concerns from the Ashland community relating to many of the Tier II Draft EIS build alternatives, FRA and DRPT implemented a community-based effort for the Town of Ashland/Hanover County area to provide additional opportunities for public involvement to supplement the existing corridor-wide DC2RVA activities. DRPT established a Community Advisory Committee (CAC) to look at all previous options, identify any potential new options to meet the Purpose and Need of the DC2RVA Project, and suggest mitigation strategies to address Project impacts in the Ashland/Hanover County area. The CAC consisted of 14 members from: the Town of Ashland; Hanover County; Randolph-Macon College, CSXT; and the Richmond Regional Transportation Planning Organization. The CAC met monthly from May through September 2017 for a total of five meetings, all of which were open to the

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<sup>5</sup> <https://DC2RVARail.com>



public. The CAC process helped inform the recommendation of a Preferred Alternative through the Town of Ashland/Hanover County area. The CAC process is summarized in Section 2.1.4 and Section 3.3 of the Tier II Final EIS, and fully detailed in Appendix G of the Tier II Final EIS.

On May 31, 2019, EPA published in the *Federal Register* an NOA that included the Tier II Final EIS (84 FR 105). The document was made available on the Project website, and was provided to 67 Federal, state, and local governments and organizations. The Tier II Final EIS carried forward the recommended Preferred Alternative from the Tier II Draft EIS and added recommended Preferred Alternatives for Areas 1 (Arlington) and 5 (Ashland) to form a contiguous Preferred Alternative for the 123-mile DC2RVA Project; refer to Section 2.2 of this ROD for details on the alternative areas. Comments on the Tier II Final EIS received through July 1, 2019 are addressed in Section 5 of this ROD.

### 1.3.3 Summary of Section 106 Coordination

Section 106 of the National Historic Preservation Act (NHPA) (Section 106) and the Section 106 implementing regulations (36 CFR Part 800) require Federal agencies to consider the effects of their undertakings on historic properties and to afford various parties an opportunity to participate in the process if the undertaking could result in an adverse effect on a property listed in or eligible for the National Register of Historic Places (NRHP). Refer to Section 3.3.1 of this ROD for details on the Section 106 process and its determinations.

FRA and DRPT coordinated with numerous property owners and officials with jurisdiction over resources protected under Section 106, with particular focus on resources where the Project would likely result in an adverse effect to cultural or historic properties. Coordination has involved extensive dialogues with the Virginia Department of Historic Resources (DHR), the Advisory Council on Historic Preservation (ACHP), DRPT, FRA, and over 30 consulting parties, including Native American Tribes and localities and historical groups, as listed below.

- **Native American Tribes.** Chickahominy Indian Tribe, Eastern Chickahominy Indian Tribe, Monacan Indian Tribe, Nansemond Indian Tribe, Pamunkey Indian Tribe, Rappahannock Indian Tribe, and Upper Mattaponi Indian Tribe
- **Localities and historical groups.** Alexandria Archaeology, American Battlefield Protection Program, Arlington County, Ashland Museum, Caroline County, Central Virginia Battlefields Trust, City of Alexandria, City of Fredericksburg, City of Richmond, Civil War (now Battlefield) Preservation Trust, Hanover County, Historic Fredericksburg Foundation, Inc., Historic Richmond Foundation, Marine Corps Base Quantico, National Park Service—Captain John Smith Chesapeake National Heritage Trail, National Park Service—Fredericksburg, National Park Service—GW Memorial Parkway, National Park Service—National Capital Region, National Park Service—Northeast Regional Office, National Park Service—Potomac Heritage National Scenic Trail, National Park Service—Richmond, National Park Service—Washington-Rochambeau National Heritage Trail, National Trust for Historic Preservation, Preservation Virginia, Prince William County, and Town of Ashland

In total, DRPT and FRA held over 50 in-person meetings and conference calls and disseminated over 100 other forms of correspondence (emails and letters) to the consulting parties and general public to provide updates on the Project and to solicit feedback. Meetings were held at the project



initiation in 2014, determination of the Area of Potential Effects<sup>6</sup> (APE) in 2015, completion of field results and publication of the Draft EIS in 2017, determining effects in 2018, and for the purpose of developing a draft Section 106 Memorandum of Agreement (MOA) in 2019, among others. FRA and DRPT assured that Native American tribes were included in all dialogues through telephone calls and emails. The goal of the consultation was to keep agencies, tribes, consulting parties, and the public updated on the Project throughout the duration of the studies. Comments received during all phases of communication were included in Chapter 6 and Appendix U of the Tier II Draft EIS and Appendix E of the Tier II Final EIS. FRA and DRPT considered the input from all groups during development of the MOA, which has been fully executed and is included in this document as Attachment A.

### 1.3.4 Summary of Section 4(f) Coordination

Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. § 303) protects publicly owned parks, recreation areas, and wildlife/waterfowl refuges, as well as historic sites listed in or eligible for listing in the NRHP and archaeological sites that are listed in or eligible for inclusion in the NRHP. FRA may not approve a project that uses such resources unless it determines that there is no feasible and prudent avoidance alternative and the project incorporates all possible planning to minimize harm. Chapter 5 of the Tier II Draft EIS included a Draft Section 4(f) Evaluation of the potential impacts of the Build Alternatives. Chapter 6 of the Tier II Final EIS included a Final Section 4(f) evaluation of the Preferred Alternative, including whether the Project uses Section 4(f) resources, assessed whether there are feasible and prudent alternatives to such use, and, where appropriate, measures to minimize harm. Refer to Section 3.3.2 of this ROD for additional details on the Section 4(f) process and its determinations.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 (23 U.S.C. § 101), amended existing Section 4(f) legislation to simplify the processing and approval of projects that have only *de minimis*<sup>7</sup> impacts on Section 4(f) resources.

- For historic resources, a *de minimis* impact means that the Federal transportation agency has determined that, in accordance with 36 CFR 800, no historic property is affected by the project or the project will have no adverse effect on the property in question. If after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, a transportation project results in a *de minimis* impact on a Section 4(f) property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. For historic and cultural resources, the Federal agency must inform the State Historic Preservation Officer (SHPO)<sup>8</sup> or Tribal Historic Preservation Officer (THPO), and ACHP (if participating in the consultation process) of the *de minimis* finding, based on their concurrence with the determination of effects.
- For other 4(f) resources, such as parks and wildlife refuges, the official with jurisdiction over the resource must concur with the *de minimis* determination.

<sup>6</sup> The Area of Potential Effects is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.

<sup>7</sup> A *de minimis* impact is one that, after taking into account avoidance, minimization, mitigation, and enhancement measures, results in no adverse effect to the activities, features, or attributes qualifying a resource for protection under Section 4(f). Criteria for *de minimis* determinations are documented in Section 6.2 of the Tier II Final EIS.

<sup>8</sup> DHR is the SHPO for the Commonwealth of Virginia.

With regard to resources protected under Section 106, consistent with Section 106 coordination, DRPT identified 120 historic properties within the APE along the DC2RVA corridor, which are also subject to Section 4(f) evaluation. In accordance with Section 4(f), FRA and DRPT coordinated with officials with jurisdiction over these resources. As described in Section 1.3.3 above, most of the coordination was done as part of the Section 106 process, but, when relevant, Section 4(f) was also discussed. In addition, by letter dated December 4, 2018, DRPT notified DHR and ACHP of FRA's 4(f) determinations, including all *de minimis* determinations. By letter dated January 4, 2019, DHR acknowledged FRA's 4(f) determinations. ACHP did not issue a reply. This coordination is documented in Appendix U of the Tier II Draft EIS and Chapter 6 and Appendix E of the Tier II Final EIS.

In addition to cultural and historic resources protected under Section 106, Section 4(f) covers public parklands, recreation areas, and wildlife or waterfowl refuges. In accordance with Section 4(f), FRA and DRPT coordinated with the officials with jurisdiction over those resources. In 2017, DRPT sent letters to the officials with jurisdiction over the Section 4(f) resources that could potentially be used by any of the Build Alternatives for the Project (a total of 14 resources at that time). After identification of the Preferred Alternative in the Tier II Final EIS, in late 2018 after consultation with FRA, DRPT sent letters to the officials with jurisdiction over the Section 4(f) resources that were located within the permanent and/or temporary Limits of Disturbance (LOD)<sup>9</sup> of the Project, which accounted for revised LOD and park boundaries since the publication of the Tier II Draft EIS. Specifically, there is 1 wildlife management area and 12 parkland resources, including 2 trails, within the LOD. DRPT communicated FRA's Section 4(f) determinations with regard to those resources and requested concurrence from the officials. DRPT received responses from all property owners with concurrence regarding the permanent incorporation and temporary occupancy of their resources, including *de minimis* determinations. This coordination is documented in Appendix U of the Tier II Draft EIS, and Chapter 6 and Appendix E of the Tier II Final EIS.

## 2 ALTERNATIVE SELECTION

This section presents the following information:

- Summary of alternative development process – Section 2.1
- Summary of alternatives considered in the Tier II EIS documents – Section 2.2
- Description of the Selected Alternative – Section 2.3, which includes description of: the service plan (Section 2.3.1), the physical infrastructure improvements (Section 2.3.2), the basis for decisions (Section 2.3.3), the incremental implementation approach including the Atlantic Gateway project (Section 2.3.4), and the environmentally preferable alternative (Section 2.3.5)

### 2.1 Summary of Alternative Development Process

FRA and DRPT developed Project alternatives using an iterative process. FRA and DRPT relied on previous studies, including the 2002 Tier I EIS, and public scoping comments as the starting point for developing potential rail alignments. In general, the DC2RVA Project will increase rail capacity by installing one additional main track along the length of the DC2RVA corridor. The

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<sup>9</sup> Permanent LOD include all areas where Project infrastructure will physically replace existing conditions. Temporary LOD are areas required for construction of the Preferred Alternative that will temporary modify the existing conditions but will be restored after completion of construction.

recommended location of the new track on the east or west of existing trackage varied by location within the corridor based on physical constraints and minimization of impacts. For each alternative, FRA and DRPT also evaluated the potential to realign the tracks to improve speeds. The proposed infrastructure sought to avoid or minimize potential adverse effects on environmental resources and existing infrastructure, and to minimize the need for additional new infrastructure, while preserving the ability of that alignment to meet the Project's Purpose and Need.

The majority of the DC2RVA corridor follows the CSXT Richmond, Fredericksburg, and Potomac (RF&P) Subdivision, which extends from Washington, D.C. to Acca Yard in Richmond, VA. In Richmond, the DC2RVA corridor extends from the southern terminus of the RF&P Subdivision following both the CSXT A-Line to the west of downtown Richmond to Centralia, VA and the S-Line to the east through downtown Richmond to Centralia, VA. Most of the CSXT-owned corridor has sufficient existing right-of-way available to accommodate an additional main track with the exception of historically developed areas in Fredericksburg, Ashland and Richmond. In Fredericksburg and Ashland, right-of-way limitations and potential impacts to the local communities led to consideration of additional alternatives outside the existing right-of-way. In Richmond, where there are multiple potential rail routes through the city, alternative development was driven by potential routing options through the surrounding area, which were based on combinations of service at four potential station locations: existing Staples Mill Road and Main Street Stations, and new stations at Boulevard Station and Broad Street Station.

FRA and DRPT focused the screening evaluation to determine the Build Alternatives to be carried forward for evaluation in the Tier II Draft EIS on each rail alignment's ability to meet the Project's Purpose and Need. As part of the Project's alternative development process, FRA and DRPT defined the DC2RVA Project in six alternative areas from north to south along the corridor, each with unique existing conditions, constraints, and/or operational needs, and evaluated specific alternatives within each area.

**Alternative Area 1: Arlington.** A 1-mile section in Arlington, VA (Arlington City and County) from the south side of the Potomac River to Crystal City that includes the approach to the existing two-track Long Bridge,<sup>10</sup> which crosses the Potomac River between Washington, D.C. and Arlington, VA. There are no intercity passenger rail stations located in Area 1.

**Alternative Area 2: Northern Virginia.** A 47-mile section from Crystal City in Arlington to the Dahlgren Spur just north of the Rappahannock River at Fredericksburg extending through Arlington, Prince William and Stafford Counties. Area 2 is the most congested area in the Project corridor with intercity passenger trains, VRE commuter trains, and CSXT freight trains operating on the existing tracks. There are three intercity passenger rail stations in Area 2: Alexandria, Woodbridge, and Quantico. Amtrak and VRE commuter trains serve all three intercity passenger rail stations in Area 2. Additionally, VRE serves six stations in Area 2 that are not served by Amtrak, including Crystal City, Franconia/Springfield, Lorton, Rippon, Brooke and Leeland.

**Alternative Area 3: Fredericksburg.** A 14-mile section through Fredericksburg from the Dahlgren Spur to Crossroads, extending through Stafford County, the City of Fredericksburg, and Spotsylvania County. The Fredericksburg Station in the City is served by both Amtrak and VRE.

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<sup>10</sup> Reconstruction of the Long Bridge is the subject of a separate environmental study being led by DDOT: <https://ddot.dc.gov/page/long-bridge-project>

Additionally, VRE serves Spotsylvania Station at Crossroads in the southern end of Area 3, which is also the southern terminus of VRE commuter service in the DC2RVA corridor.

**Alternative Area 4: Central Virginia.** A 29-mile section from Crossroads to Doswell, through a largely rural area in Spotsylvania and Hanover Counties. There are no intercity passenger rail stations located in Area 4.

**Alternative Area 5: Ashland.** A 10-mile section including the Town of Ashland and rural portions of Hanover and Henrico Counties, extending from Doswell to I-295 north of Richmond. There is one intercity passenger rail station in Area 5 at Ashland. Near the mid-point of Area 5, the existing two-track main line runs at-grade for approximately two miles on narrow right-of-way through the center of Railroad Avenue/Center Street in the Town of Ashland.

**Alternative Area 6: Richmond.** A 23-mile section from I-295 to Centralia, including Henrico County, the City of Richmond, and Chesterfield County. There are two intercity passenger rail stations in Area 6 at Staples Mill Road Station (in Henrico County) and Main Street Station (in downtown Richmond). Area 6 includes the CSXT RF&P Subdivision from I-295 to Acca Yard in Henrico County, from which two rail routes extend south through Richmond to reconnect at Centralia in Chesterfield County (the southern terminus of the Project):

- The **A-Line** is the western rail line around Richmond, and is currently used by the majority of north-south passenger and freight trains. It is CSXT's principal freight route and is approximately 14.3 miles from the south end of Acca Yard to Centralia.
- The **S-Line** runs through the downtown center of Richmond, and is currently used primarily by local freight to serve industry and intercity passenger rail service to Newport News. It is approximately 15.6 miles from the south end of Acca Yard to Centralia.

## 2.2 Summary of Alternatives Considered in the Tier II EIS Documents

From a wide range of options considered during the Project's alternatives development process, FRA and DRPT documented and advanced 23 Build Alternatives, which vary within each of the alternative areas, for evaluation in the Tier II Draft EIS. Each of the Build Alternatives included build-alternative-specific improvements to features such as stations and at-grade roadway crossings.

In the Tier II Draft EIS, FRA and DRPT identified recommended Preferred Alternatives in four of the six alternative areas (Areas 2, 3, 4, and 6) and deferred recommendation of Preferred Alternatives for Areas 1 (Arlington) and 5 (Ashland) to the Tier II Final EIS. The recommended Preferred Alternatives for alternative Areas 2, 3, 4, and 6 are identified as the Preferred Alternatives in Table 1 below.

Based on comments received on the Tier II Draft EIS and additional information developed through continued analysis, FRA and DRPT further evaluated the recommended Preferred Alternatives in Areas 2, 3, 4, and 6 from the Tier II Draft EIS as well as the Build Alternatives considered for deferred Areas 1 and 5 in the Tier II Final EIS. Through the additional evaluation performed in the Tier II Final EIS, FRA and DRPT identified the Preferred Alternative, which connects a Build Alternative from each of the 6 alternative areas to form a contiguous 123-mile route through the Project corridor.

Table 1 summarizes the 23 Build Alternatives evaluated in the Tier II Draft EIS and identifies the Preferred Alternative that was advanced for further analysis in the Tier II Final EIS. The Preferred Alternative for each Area is noted in Table 1 and described further in the next section.

**Table 1: Summary of Build Alternatives Evaluated in the Tier II EIS Documents**

Alternative		Description
<b>Area 1: Arlington:</b> Three Build Alternatives were evaluated in Area 1, the major difference among these was which side of the existing track the new track would be added (as indicated in the Build Alternative names). There are no intercity passenger rail stations in this area.		
1A	Add Two Tracks on the East	Within the Long Bridge approach, two tracks would be added to the east side of the existing tracks.
1B	Add Two Tracks on the West	<b>IDENTIFIED AS THE PREFERRED ALTERNATIVE.</b> This alternative aligns with both alternatives identified in the Alternatives Development Report for the separate Long Bridge Study.
1C	Add One Track East and One Track West	Within the Long Bridge approach, one track would be added to the east side of the existing tracks and one track would be added to the west side of the existing tracks.
<b>Area 2: Northern Virginia:</b> The sole Build Alternative evaluated in Area 2 adds one main track within the existing railroad right-of-way. There are three intercity passenger rail stations in this area: Alexandria, Woodbridge, and Quantico.		
2A	Add One Track / Improve Existing Track	<b>IDENTIFIED AS THE PREFERRED ALTERNATIVE.</b> This alternative adds a third or fourth main track through the area, mostly within existing right-of-way.
<b>Area 3: Fredericksburg:</b> Three Build Alternatives were evaluated in Area 3, including both two- and three-track options on the existing alignment through the city and a two-track bypass alignment around the city. The Fredericksburg Station is within this area.		
3A	Maintain Two Tracks Through City	Within Fredericksburg, there would be no construction of new track / no additional rail capacity, and train operations would continue through the city similar to existing conditions, with station improvements. North and south of the city, one additional track would be constructed within the existing railroad right-of-way.
3B	Add One Track Through City East of Existing	<b>IDENTIFIED AS THE PREFERRED ALTERNATIVE.</b> This alternative adds a third main track through the city, and adds a third or fourth main track north and south of the city, mostly within existing right-of-way.
3C	Add Two-Track Bypass East of City	A new two-track bypass east of Fredericksburg would be constructed to serve freight and passenger trains that do not stop in the city, which would require additional right-of-way. The existing rail corridor would be maintained in the city and the station would be improved. North and south of the city, there would be construction of one additional track within the existing railroad right-of-way.
<b>Area 4: Central Virginia:</b> The sole Build Alternative evaluated in Area 4 adds one main track within the existing railroad right-of-way. There are no intercity passenger rail stations in this area.		
4A	Add One Track/Improve Existing Track	<b>IDENTIFIED AS THE PREFERRED ALTERNATIVE.</b> This alternative adds a third main track, mostly within existing right-of-way.
<b>Area 5: Ashland:</b> Seven Build Alternatives were evaluated in Area 5, varying from track alignment options through town to a new bypass. The alternatives included two different location options for the Ashland Station: a Downtown Station (which would maintain the existing station location with improvements) and an Ashcake Station location (which would close the existing station location and relocate service to a new station south of Ashcake Road). North and south of the town, all Build Alternatives would include construction of one additional track within the existing railroad right-of-way. For Area 5, DRPT established a CAC to look at all previous options, identify any potential new options to meet the Purpose and Need of the DC2RVA Project, and suggest mitigation strategies to address Project impacts, as documented in Section 2.1.4, Section 3.3, and Appendix G of the Tier II Final EIS.		
5A	Maintain Two Tracks Through Town	<b>IDENTIFIED AS THE PREFERRED ALTERNATIVE.</b> This alternative maintains the existing two-track corridor through downtown, with no improvements to the existing station location (between proposed grade separations at Vaughan Road and Ashcake Road) and adds a third main track north and south of town, mostly within existing right-of-way.



**Table 1: Summary of Build Alternatives Evaluated in the Tier II EIS Documents**

Alternative		Description
5A–Ashcake	Maintain Two Tracks Through Town (Relocate Station to Ashcake)	This alternative is the same as 5A (the Preferred Alternative) but would relocate the station to Ashcake Road.
5B	Add One Track Through Town East of Existing	Within town, one track would be added adjacent to the east side of the existing tracks, which would require additional right-of-way and closure of an existing at-grade crossing within town. The existing station would be improved.
5B–Ashcake	Add One Track Through Town East of Existing (Relocate Station to Ashcake)	This alternative is the same as 5B (as summarized above) but would relocate the station to Ashcake Road.
5C	Add Two-Track Western Bypass	A new two-track bypass west of Ashland would be constructed to serve freight and passenger trains that do not stop in town, which would require additional right-of-way. The existing rail corridor would be maintained in the city and the station would be improved.
5C–Ashcake	Add Two-Track Western Bypass (Relocate Station to Ashcake)	This alternative is the same as 5C (as summarized above) but would relocate the station to Ashcake Road.
5D–Ashcake	Three Tracks Centered Through Town (Add One Track, Relocate Station to Ashcake)	Within town, one track would be added with centering of all three tracks on the existing alignment. This would require additional right-of-way and preclude use of the existing station in town. The station would be relocated to Ashcake Road.
<b>Area 6: Richmond:</b> Eight Build Alternatives were evaluated in Area 6: five single-station options (which would consolidate all service to a single station location) and three two-station options (which would divide service between two stations). Use of the A-Line or S-Line varied by alternative, based primarily on the ability to serve station locations and optimize passenger and freight routes.		
6A	Staples Mill Road Station Only	The existing Staples Mill Road Station would be improved to become the single passenger station to serve Richmond, and existing Main Street Station would be closed to service. One main track would be added along the RF&P Line (north of the city) and the A-Line (through the city).
6B–A-Line	Boulevard Station Only, A-Line	A new Boulevard Station would be constructed to become the single passenger station to serve Richmond, and existing Staples Mill Road and Main Street Stations would be closed to service. One main track would be added along the RF&P Line (north of the city) and the A-Line (through the city).
6B–S-Line	Boulevard Station Only, S-Line	This alternative is similar to 6B–A-Line (as summarized above) but would add one main track on the S-Line (through the city).
6C	Broad Street Station Only	A new Broad Street Station would be constructed to become the single passenger station to serve Richmond, and existing Staples Mill Road and Main Street Stations would be closed to service. One main track would be added along the RF&P Line (north of the city) and the A-Line (through the city).
6D	Main Street Station Only	The existing Main Street Station would be improved to become the single passenger station to serve Richmond, and existing Staples Mill Road Station would be closed to service. One main track would be added along the RF&P Line (north of the city) and the S-Line (through the city).
6E	Split Service, Staples Mill Road/Main Street Stations	Both existing Staples Mill Road and Main Street Stations would be improved and remain operational, with the majority of intercity passenger trains stopping only at Staples Mill Road. One main track would be added along the RF&P Line (north of the city) and the A-Line (through the city).
6F	Full Service, Staples Mill Road/Main Street Stations	<b>IDENTIFIED AS THE PREFERRED ALTERNATIVE.</b> This alternative improves the S-Line through Richmond and allows for all intercity passenger trains that stop in Richmond to serve both stations.
6G	Shared Service, Staples Mill Road/Main Street Stations	Both existing Staples Mill Road and Main Street Stations would be improved and remain operational, with the majority of intercity passenger trains stopping at both stations, but some trains following the A-Line to bypass downtown Richmond and only serve Staples Mill Road Station. One main track would be added along the RF&P Line (north of the city) and the S-Line (through the city).



Additionally, while the No Build Alternative for the overall SEHSR corridor was evaluated and dismissed by FRA and FHWA for not meeting the Purpose and Need in the 2002 Tier I EIS, FRA and DRPT considered it as part of the Tier II EIS for the DC2RVA Project as required by NEPA. The No Build Alternative provided a basis for comparing the potential effects of different DC2RVA Build Alternatives. If a planned rail or transit improvement in the Project corridor was under construction, fully funded, or was the focus of advanced collaborative planning, FRA and DRPT assumed it would be complete by 2025 and included it in the No Build Alternative for the purposes of the Tier II evaluation. In the Tier II Draft EIS for the DC2RVA Project, FRA and DRPT confirmed the findings of the 2002 Tier I EIS that the No Build Alternative does not meet the Project's Purpose and Need.

## 2.3 Selected Alternative

The Preferred Alternative evaluated in the Tier II Draft EIS and advanced for further analysis in the Tier II Final EIS meets the Project's Purpose and Need. FRA and DRPT identified the Preferred Alternative as a combination of one Build Alternative from each of the six alternative areas to form a contiguous "best-fit" alternative for the 123-mile Project corridor, as shown in Figure 1 below. Full details of all elements of the Preferred Alternative are documented in Chapter 4 of the Tier II Final EIS.

The Preferred Alternative evaluated in the Tier II Draft EIS and advanced for further analysis in the Final EIS consists of Build Alternatives 1B, 2A, 3B, 4A, 5A, and 6F from each of the 6 alternative areas. Together this forms a contiguous 123-mile route through the Project corridor. This is FRA's Selected Alternative and is hereinafter referred to as such. The Selected Alternative is based on conceptual engineering design, which FRA and DRPT determined is sufficient to complete the required impact analysis in the draft and final EIS, and to make decisions as part of the NEPA process.

The Selected Alternative for the DC2RVA Project includes these three elements:

- **Service Plan.** An intercity passenger rail service plan with increased passenger train frequency (i.e., more trains) and improved on-time performance of existing intercity passenger service. The service plan is described in Section 2.3.1.
- **Infrastructure Improvements.** A physical infrastructure modification plan to provide an additional track (i.e., to provide more capacity for more trains) as well as station area and roadway crossing improvements to provide better train performance. The infrastructure improvements are described in Section 2.3.2 and FRA's basis of decision is described in Section 2.3.3.
- **Incremental Implementation Approach.** FRA and DRPT have assumed the Selected Alternative would be in place by 2025 for purposes of the NEPA evaluations and planning; however, the full implementation of the Selected Alternative, i.e., the funding, design, and construction of the infrastructure improvements and increased passenger train frequency identified in the Service Plan, will occur incrementally over the 20-year horizon from 2025 to 2045, as described in more detail in Section 2.3.4.

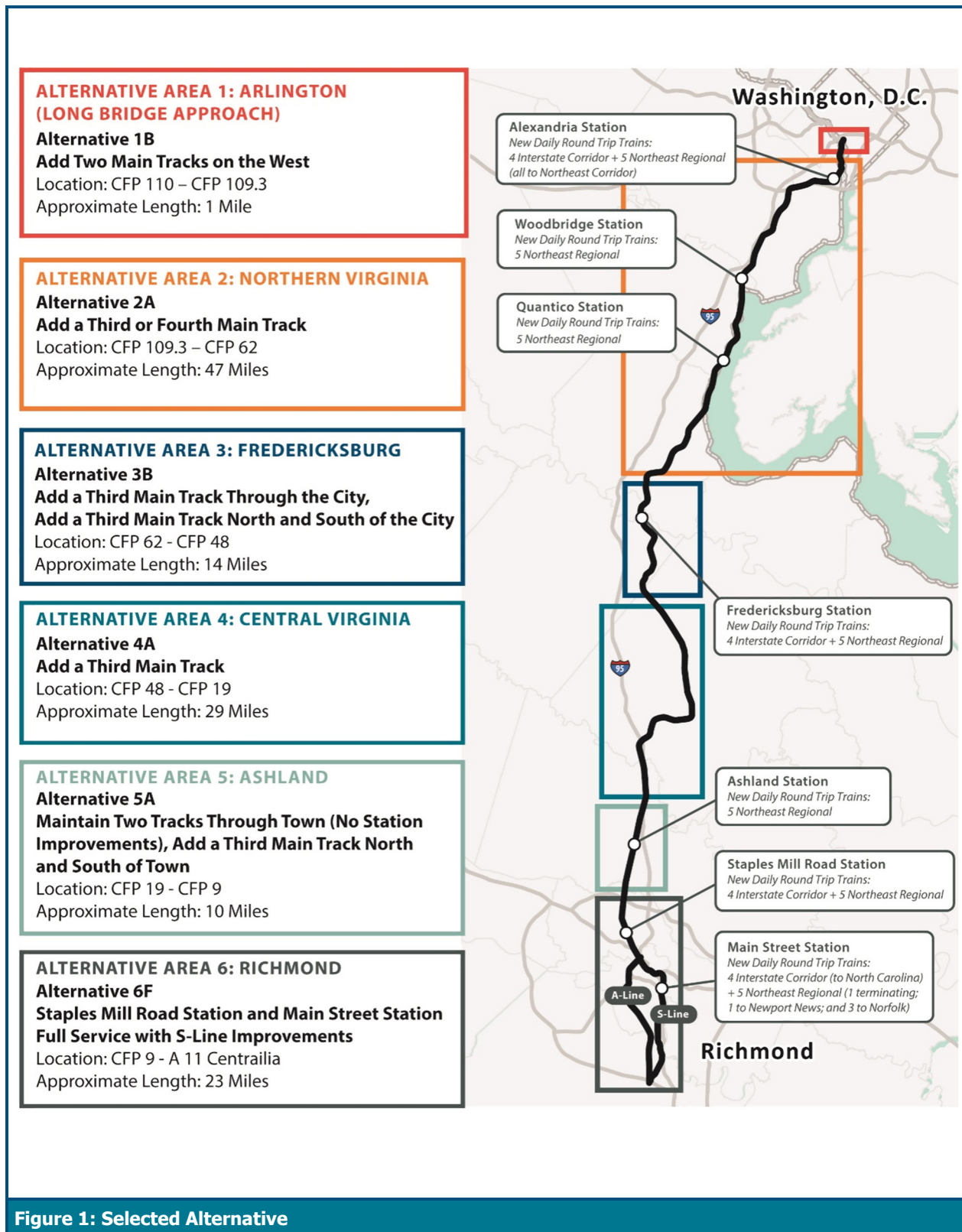


Figure 1: Selected Alternative

### 2.3.1 Service Plan

The Selected Alternative will include a service plan to improve the reliability of the intercity passenger service while adding 9 new daily intercity passenger round trips (18 total trains per day), which will be incorporated into Amtrak's existing intercity passenger network, subject to available capacity and future operating schedule. As detailed below, the Project service plan will expand on the eight new daily intercity passenger round trips recommended in the 2002 Tier I EIS and the 2012 R2HR Tier I EIS documents by adding a ninth train originating in Richmond at Main Street Station. FRA and DRPT added this ninth train to the Project to provide an early morning departure north to Washington, D.C. and the NEC, and a corresponding late evening return trip. Under the proposed service plan, intercity passenger trains will operate between Washington, D.C. and Richmond every 1 to 2 hours in each direction during the day and early evening.

From Washington, D.C. to the north, FRA and DRPT assume all of the new trains to continue on to Philadelphia, New York, and Boston, subject to available capacity and future operating schedules on the NEC. The Project will increase passenger train speeds, where practicable, up to 90 mph, with improved trip reliability and improved on-time performance of the intercity passenger train service.

**Interstate Corridor (Carolinian)** service currently operates one daily round trip intercity passenger train between New York and North Carolina through Virginia. The Project will accommodate the expansion of Interstate Corridor service from the once daily Carolinian by adding 4 new daily Interstate Corridor (SEHSR) round trips (8 total trains per day) to/from North Carolina. All Interstate Corridor trains will continue to make station stops in the DC2RVA corridor in Alexandria, Fredericksburg, and Richmond (both Staples Mill Road and Main Street Station). The new service will align with proposed intercity passenger train service between Washington, D.C. and Charlotte, NC from the 2002 Tier I EIS, and will extend from North Carolina north into Amtrak's Northeast Corridor.

**Northeast Regional (Virginia)** service currently provides regional passenger rail service from Boston and New York to serve routes in Virginia with 5 daily round trip trains that operate between Washington, D.C. and Richmond, VA. The Project will add 5 new daily Northeast Regional (SEHSR) round trips (10 total trains per day) to/from Virginia for a total of 10 daily round-trip Northeast Regional (Virginia and SEHSR) trains per day (20 total trains per day). Of the new service frequencies, 3 new daily round trips will start/end in Norfolk, 1 new daily round trip will start/end in Newport News, and 1 new daily round trip will start/end in Richmond. All Northeast Regional (Virginia and SEHSR) trains will continue to make station stops in the DC2RVA corridor in Alexandria, Woodbridge, Quantico, Fredericksburg, Ashland, and Richmond (both Staples Mill Road and Main Street Stations). The new service will complete the service plan defined in the 2012 R2HR EIS, and will add 1 daily round trip to/from Main Street Station in Richmond, which was added to the Project to provide early morning/late evening service from/to Richmond connecting to Washington D.C. and Amtrak's Northeast Corridor.

**Long Distance** service operates from New York and continues through Washington, D.C. and Virginia to other out-of-state locations, with limited station stops within the Project corridor. The Project will not affect the frequency (i.e., number) of Long Distance trains in service, but will modify routing/scheduling of those trains within the corridor and improve their operating reliability within the corridor to meet Project goals. The Project will add a second stop for these trains in Richmond at Main Street Station.

**Auto Train** service operates as a daily nonstop, overnight train between dedicated station facilities in Lorton, VA and Sanford, FL, and carries passengers and their automobiles. The Project will not affect the frequency, routing, or scheduling of the Auto Train within the corridor, but will improve operating reliability within the corridor to meet Project goals.

Independent of the Project, existing intercity passenger, commuter, and freight trains will continue to operate in the Project corridor. The Project does not add commuter or freight train frequencies but does accommodate their planned future growth. Neither FRA nor DRPT anticipates that the addition of the 9 new daily intercity passenger round trips (18 total trains per day) proposed by the Project will change either the types or quantities of freight shipped on the corridor, which is based on economic demands created by commercial activities and independent market forces, which are not dictated by this Project.

**Coordination with Adjacent Projects.** Additionally, FRA and DRPT acknowledge that the full benefits of the proposed DC2RVA service are dependent upon completion of intercity passenger rail infrastructure projects outside the DC2RVA corridor in the SEHSR corridor:

- A four-track Long Bridge with a four-track route north of Long Bridge through L'Enfant Plaza to CP Virginia in Washington, D.C. is required to connect the DC2RVA service to Union Station in Washington, D.C. and Amtrak's Northeast Corridor (NEC).
- The SEHSR Richmond to Raleigh (R2R) project included improvements/service between Raleigh, NC and Richmond, VA, and overlaps the DC2RVA Project between Main Street Station and Centralia, VA. The SEHSR R2R project infrastructure improvements south of the overlap area are required to implement the four additional Interstate Corridor SEHSR trains originating in North Carolina and traveling through the DC2RVA corridor.
- The SEHSR Richmond to Hampton Roads (R2HR) project included improvements/service between Norfolk/Newport News, VA and Richmond, VA, and overlaps the DC2RVA Project between Main Street Station and Centralia, VA. The SEHSR R2HR project infrastructure improvements south of the overlap area are required to support the four additional Northeast Regional (SEHSR) trains originating in Newport News and Norfolk and also traveling through the DC2RVA corridor to the Northeast Corridor.

### 2.3.2 Infrastructure Improvements

Track and related improvements of the Selected Alternative will be located within existing CSXT right-of-way, although some construction activity and other types of improvements may be located outside of the CSXT right-of-way, as documented in Chapter 4 of the Final EIS. All impacts, either temporary or permanent, that are associated with specific activities located outside of the CSXT right-of-way are documented in Chapter 5 of the Final EIS.

The Selected Alternative meets the Project's Purpose and Need by including the following proposed improvements, by area.

**Selected Alternative 1B: Add Two Tracks on the West.** Beginning south of the George Washington Memorial Parkway, Alternative 1B will install two additional main line tracks west of the existing tracks in Arlington to Crystal City, staying within the existing railroad right-of-way. Alternative 1B will consist of:

- Constructing two main tracks on the west side of existing tracks, with minor track shifts to improve speed through some curves



- Track alignment to connect with the candidate build alternative of the separate Long Bridge project by DDOT, which proposes to increase railroad capacity across the Potomac River by adding two tracks upstream (west) of existing rail bridge
- Track improvements within the existing right-of-way
- No intercity passenger stations in the area
- No changes to existing public roadway crossings

Note the U.S. DOT has selected the Commonwealth of Virginia to receive \$45 million from the Nationally Significant Freight and Highway Projects (NSFHP)<sup>11</sup> grant program for Federal fiscal year (FY) 2016 to support the construction of approximately six miles of fourth track between CSXT Control Point Rosslyn (CFP RO) and CFP Alexandria (CFP AF), the “AF to RO Fourth Track Project,” as part of the Commonwealth’s Atlantic Gateway Program. The AF to RO Fourth Track Project is planned to begin construction in 2020 and encompasses the full 0.7 mile length of the Area 1 and extends approximately 5 miles into Area 2. Refer to Section 2.3.4.3 for details on the Atlantic Gateway program in context to the DC2RVA Project.

**Selected Alternative 2A: Add a Third or Fourth Main Track.** Alternative 2A in Northern Virginia will install one additional main line track and realign existing tracks in some curves to improve speed. The additional track will be located on either the east or west side of the existing tracks, based on rail operations, site constraints, and potential impacts. Alternative 2A will consist of:

- Constructing one main track, with realignment of some curves to improve speed, to create:
  - A fourth track from Crystal City in Arlington to Alexandria
  - A third track from Alexandria to north of Fredericksburg
  - Work completed by others in this area includes the prior or planned installation of a third track in the following sections: Alexandria to Franconia (completed in 2011); Franconia to Occoquan (planned for completion by 2025); and Powells Creek to Arkendale (design and construction ongoing, scheduled for completion in 2021)
- Track improvements within the existing railroad right-of-way
- Intercity Passenger Stations:
  - Station improvements at Alexandria (parking improvements) and Woodbridge (platform improvements)
  - Expansion of intercity passenger rail service at Alexandria, Woodbridge, and Quantico
  - Track alignments to accommodate platform and other improvements planned by VRE at stations shared with intercity passenger rail service in Alexandria and Woodbridge, as well as other commuter stations served only by VRE
- Public At-Grade Crossings:
  - Close one existing crossing in Stafford (Mount Hope Church Road), with alternate access provided

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<sup>11</sup> The USDOT generally refers to NSFHP grants made with FY 2016 funding as Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) grants.

- No new grade separations proposed
- Three public at-grade crossings remain with safety improvements, as needed
- Reconstructing seven existing grade separations to allow for the addition of a third main line track under roadway bridges with limited horizontal or vertical clearance
- Constructing four new major bridge crossings:
  - Occoquan River: new bridge structure added east of the existing railroad bridge
  - Neabsco Creek: new bridge structure added west of the existing railroad bridge
  - Powells Creek: new bridge structure added west of the existing railroad bridge
  - Aquia Creek: new bridge structure added east of the existing railroad bridge

As mentioned in Area 1, the U.S. DOT has selected the Commonwealth of Virginia to receive \$45 million from the FY 2016 FASTLANE program to support the construction the AF to RO Fourth Track Project, which encompasses the full 0.7 mile length of the Area 1 and extends approximately 5 miles into the northern end of Area 2. Construction is planned to begin on the AF to RO Fourth Track Project in 2020. Refer to Section 2.3.4.3 for details on the Atlantic Gateway program in context to the DC2RVA Project.

**Selected Alternative 3B: Add Third Main Track Through the City, Add a Third Main Track North and South of the City.** Alternative 3B at Fredericksburg will install one additional main line track in areas with only two existing tracks and realign existing tracks to improve speed, while remaining within the existing railroad right-of-way. The additional track will be located on either the east or west side of existing tracks, based on rail operations, site constraints, and potential impacts. Alternative 3B will consist of:

- Constructing one main track, with realignment of some curves to improve speed
- Within Fredericksburg, the additional track will be added to the east of the existing tracks with a new elevated railway at the station
- Constructing a fourth track (siding) on the west side of the existing tracks south of Fredericksburg
- Track improvements within the existing railroad right-of-way
- Intercity Passenger Stations:
  - Station improvements at Fredericksburg (including building, platform, and parking improvements)
  - Expansion of intercity passenger rail service at Fredericksburg
- Public At-Grade Crossings:
  - No closures proposed
  - Grade separate one crossing (Lansdowne Road)
  - Three public at-grade crossings remain with safety improvements
- Reconstructing six existing grade separations to allow for the addition of a third main line track under roadway bridges with limited horizontal or vertical clearance
- Constructing a new major bridge crossing the Rappahannock River: new bridge structure added east of the existing railroad bridge



**Selected Alternative 4A: Add a Third Main Track.** Alternative 4A in Central Virginia will install one additional main line track and realign existing tracks in some curves to improve speed. The additional track will be located on either the east or west side of the existing tracks based on rail operations, site constraints, and potential impacts. Alternative 4A will consist of:

- Constructing one main track with realignment of some curves to improve speed
- Track improvements within the existing railroad right-of-way
- No intercity passenger stations in the area
- Public At-Grade Crossings:
  - Close one existing crossing (Colemans Mill Road)
  - No new grade separations proposed
  - Six public at-grade crossings remain with safety improvements
- Reconstructing one existing grade separation to allow for the addition of a third main line track under a roadway bridge with limited horizontal or vertical clearance
- Constructing or modifying multiple bridges or culverts crossing small waterways and wetlands

**Selected Alternative 5A: Maintain Two Tracks Through Town (No Station Improvements), Add a Third Main Track North and South of Town.** Through the Town of Ashland, Alternative 5A will maintain the existing two tracks, which will be used by freight and passenger trains similar to current conditions, and does not include any station improvements at the existing Ashland Station. One new track will be constructed north and south of town, where there will be some shifts to improve speed throughout the area. Alternative 5A will consist of:

- Constructing one main track north and south of town, with track shifts to improve speed through some curves
- Maintaining two existing tracks (no construction of new track/no additional capacity) through town
- Track improvements within the existing railroad right-of-way
- No station improvements at the existing Ashland Station
- Public At-Grade Crossings:
  - No closures proposed
  - Two grade separations proposed (Vaughan Road/ Archie Cannon Drive and Ashcake Road)
  - No improvements to five at-grade road, or pedestrian, crossings within town
  - Four public at-grade crossings north and south of town remain with safety improvements
- Reconstructing one existing grade separation to allow for the addition of a third main line track under a roadway bridge with limited horizontal or vertical clearance

Ashland Station improvements, including new low-level side platforms, are part of a separate plan by Amtrak to comply with the Americans with Disabilities Act (ADA).

**Selected Alternative 6F: Staples Mill Road Station and Main Street Station Full Service with S-Line Improvements.** Alternative 6F will install one additional main track through the area via the CSXT RF&P Subdivision and S-Line to provide improved service at Staples Mill Road Station and Main Street Station in Richmond, where both stations remain operational (full service). The additional track will be located on either the east or west side of the existing tracks based on rail operation considerations, site constraints, and potential impacts. Alternative 6F will consist of:

- Constructing one main track along portions of existing RF&P (north of Richmond) and S-Line (through Richmond), with track shifts to improve speed, within the existing railroad right-of-way
- Intercity Passenger Stations: Staples Mill Road Station and Main Street Station
  - All passenger trains that stop in Richmond will serve both stations
  - Improve both stations to include new/modified station buildings and platforms
- Public At-Grade Crossings:
  - Close five crossings (St. James Street,<sup>12</sup> N 2nd Street/Valley Road, Dale/Trenton Avenue, Brinkley Road, and Old Lane)
  - Grade separate four crossings (Hungary Road, Hermitage Road (RF&P), Hospital Street/N 7th Street, and E Commerce Road)
  - Eight public at-grade roadway crossings remain with safety improvements as needed (note this differs from R2R's proposal to grade separate all crossings between the James River and Centralia)<sup>13</sup>
- Reconstructing two existing grade separations to allow for the addition of a third main line track under bridges with limited horizontal or vertical clearance
- Constructing a new major bridge crossing the James River: new bridge structure added east (downstream) of existing railroad bridge
- Constructing a new passenger train service facility at the Bellwood wye track
- No changes to CSXT freight service routes through Richmond

### 2.3.3 Basis for Decision

**Basis for Selecting 1B.** FRA and DRPT identified the approximately 1-mile Alternative Area 1, located immediately south of the Long Bridge across the Potomac River, to evaluate potential connections between the DC2RVA Project and a future recommendation from the separate Long Bridge project by DDOT. In the Tier II Draft EIS, DRPT assumed that an additional two tracks would be constructed across the Potomac River as part of the Long Bridge project and identified three DC2RVA Project Build Alternatives in Area 1 that added two tracks in various configurations to connect to potential future Long Bridge recommendation options. The Tier II

<sup>12</sup> As part of the Project, the existing St. James Street at-grade crossing will be closed to vehicular traffic and reconstructed as a pedestrian bridge over the railroad.

<sup>13</sup> As documented in Section 4.3.6.3 of the Tier II EIS, Project improvements differ than those proposed in the separate Richmond to Raleigh Tier II EIS and ROD for the overlap area between the two projects in the Richmond area, extending from Main Street Station south to Centralia. The improvements proposed in the Tier II EIS and ROD for the R2R project remain unchanged from the Purpose and Need of that project, which would provide improvement upon the infrastructure planned in the DC2RVA Tier II EIS.

Draft EIS did not include a recommended Preferred Alternative for Area 1, subject to future development of the separate Long Bridge project.

Subsequent to the Tier II Draft EIS on June 19, 2018, DDOT released the Alternatives Development Report for the Long Bridge project that advanced two candidate build alternatives, both of which add two tracks upstream (west) of the existing two-track bridge.<sup>14</sup> Both Long Bridge alternatives align with DC2RVA Alternative 1B, and do not align with DC2RVA Alternatives 1A or 1C. Reflecting the recommendations from the Alternatives Development Report for the separate Long Bridge project, FRA and DRPT identified Alternative 1B as the recommended Preferred Alternative for Area 1 in the Tier II Final EIS. Therefore, FRA and DRPT chose Alternative 1B as the Selected Alternative.

**Basis for Selecting 2A.** In the Tier II Draft EIS, DRPT considered and dismissed alternative alignments that increased speed and/or capacity but extended outside the railroad right-of-way in Area 2 in order to reduce impacts to property, wetlands, and existing infrastructure in this congested area. By adding a fourth track to the existing triple-track section from Crystal City in Arlington to Alexandria and adding a third track in locations that currently only have two tracks from Alexandria to Fredericksburg, where required, Alternative 2A will support expanded intercity passenger service, VRE commuter service, and CSXT freight service, improve reliability, add capacity, and increase passenger train speeds where practicable. New structures will carry the additional track across the river crossings adjacent to the existing rail bridges. Alternative 2A will also remain primarily within the existing railroad right-of-way. For these reasons, FRA and DRPT chose Alternative 2A as the Selected Alternative.

**Basis for Selecting 3B.** In the Draft Tier II EIS, DRPT screened multiple alignments and evaluated three Build Alternatives in detail. Maintaining two tracks through the City of Fredericksburg (i.e., Build Alternative 3A as evaluated in the Tier II Draft EIS) does not provide sufficient capacity to support the Project's Purpose and Need. Adding a two-track bypass to the east of the city (i.e., Build Alternative 3C as evaluated in the Tier II Draft EIS) provides sufficient capacity, but would incur substantial impacts to wetlands, historic and cultural resources, property, and infrastructure. In addition, there was strong local opposition to a bypass on new location. Therefore, FRA and DRPT chose Alternative 3B, which adds a third main track to link existing sections of three or more tracks and provides a continuous three track corridor through the city, as the Selected Alternative.

**Basis for Selecting 4A.** In the Tier II Draft EIS, DRPT screened multiple alignments to improve capacity and reach the 90 mph speed, while minimizing impacts to wetlands, waterways, and other resources, and carried one alternative forward for further evaluation in the Tier II Draft EIS: Alternative 4A, which adds a third main track to the west of the existing two tracks through most of Area 4. FRA and DRPT chose Alternative 4A as the Selected Alternative as it increases passenger train speed and will add Project improvements within the existing railroad right-of-way. It will support expanded intercity passenger service and CSXT freight service, while minimizing impacts to wetlands and property.

**Basis for Selecting 5A.** The Tier II Draft EIS did not include a recommended Preferred Alternative for Area 5, subject to the completion of additional railroad operations analyses and input from the Ashland/Hanover County Area CAC. DRPT established the Ashland/Hanover

<sup>14</sup> [http://longbridgeproject.com/wp-content/uploads/2018/06/LB\\_EIS\\_2018\\_0619\\_AltDevelopmentReport\\_FINAL-508compliant.pdf](http://longbridgeproject.com/wp-content/uploads/2018/06/LB_EIS_2018_0619_AltDevelopmentReport_FINAL-508compliant.pdf)

County Area CAC to advise and inform the selection of a Preferred Alternative for Area 5 in the Tier II Final EIS. Based on the information and analyses of the seven Build Alternatives presented for Area 5 in the Tier II Draft EIS, public comments on the Tier II Draft EIS, information and comments developed through the CAC process, and subsequent refined railroad operations analyses, FRA and DRPT chose Alternative 5A as the Selected Alternative. It provides sufficient railroad capacity to support the Purpose and Need of the Project while having the least impact on property, wetlands and other natural resources, historic and cultural resources, and the built environment. Alternative 5A also best addresses the community's concerns, including strong opposition to a bypass from Hanover County residents, and strong opposition to adding a track through Ashland from Town residents and Randolph-Macon College. Additionally, by retaining the existing double-track railroad through the Town of Ashland, Alternative 5A met the Purpose and Need of the Project while avoiding impacts to multiple properties with historic designation under Section 106 and Section 4(f).

**Basis for Selecting 6F.** In the Tier II Draft EIS, FRA and DRPT identified eight alternatives in the Richmond area, as summarized in Table 1. The five Build Alternatives that would rely on the A-Line to carry additional passenger service (Alternatives 6A, 6B-A-Line, 6C, 6E, and 6G from the Tier II Draft EIS) were not considered feasible to meet the Project's Purpose and Need, but were advanced for further analysis in the Tier II Draft EIS for comparison to the S-Line alternatives. The five A-Line Build Alternatives required substantial modifications to the existing railroad and highway infrastructure, constrained the ability for CSXT to grow freight service in the future, and incurred extensive environmental impacts.

The three Build Alternatives that rely on the S-Line (Alternatives 6B-S-Line, 6D, and 6F) were considered feasible and were advanced for further consideration in the Tier II Draft EIS. Alternative 6B-S-Line is feasible and could meet the Project's service performance goals, but the Boulevard Station location would not be consistent with prior FRA and Commonwealth decisions and does not meet FRA and Amtrak guidance for intercity passenger trains to serve the city center. Alternative 6D: Main Street Station Only (S-Line) would not meet the Project's Purpose and Need due to insufficient track and platform capacity at Main Street Station.

Alternative 6F is feasible and supports passenger service and freight service to meet the Purpose and Need. Alternative 6F is also consistent with prior FRA and Commonwealth decisions regarding the SEHSR program and Main Street Station as Richmond's downtown intercity passenger station, including decisions documented in the 2002 Tier I ROD, Richmond to Hampton Roads Tier I ROD (2012), and Richmond to Raleigh Tier II ROD (2016). Accordingly, FRA and DRPT chose Alternative 6F as the Selected Alternative.

### 2.3.4 Incremental Implementation

Actual dates for future Project development and implementation are dependent on the completion of this ROD, identifying and securing funding, completing Project design, and finalizing all necessary approvals and permits, including agreements with Amtrak and CSXT. Construction of the infrastructure improvements that are part of the DC2RVA Selected Alternative are not currently funded (other than the Atlantic Gateway improvements, as described in Section 2.3.4.3 below), and it is unlikely that funding for full construction will be available all at once. Further, FRA and DRPT understand that funding for construction—as well as the timelines of separate but related projects—will require that the DC2RVA Project be constructed incrementally over the 20-year planning horizon from 2025 to 2045.

Therefore, in keeping with the decisions in the 2002 Tier I EIS and ROD, FRA and DRPT have developed an approach to implement the DC2RVA Project in increments as funding becomes available. FRA and DRPT have prioritized the six areas for construction as shown below, with higher priority given to areas with greater rail corridor congestion:

- Priority 1 - Areas 1, 2, and 3 – Arlington through Fredericksburg
- Priority 2 - Area 6 – Richmond
- Priority 3 - Area 4 – Central Virginia
- Priority 4 - Area 5 – Ashland

FRA and DRPT's first priority for DC2RVA is to address the northern areas of the corridor where the demand for rail traffic and intercity passenger, commuter, and freight rail congestion is the greatest. Refer to Section 2.3.4.3 below for details on the currently-funded Atlantic Gateway Program in this area.

The second priority is Area 6: Richmond, where infrastructure improvements can streamline intercity passenger rail movements through the city while also providing passenger service to Richmond's central business district at Main Street Station. The third priority, Area 4: Central Virginia, provides the greatest opportunity in the corridor to improve speeds and reduce overall travel time. The final phase, Area 5: Ashland, would complete the corridor.

DRPT also will evaluate advancing individual DC2RVA corridor infrastructure components – such as highway-rail grade separations, grade crossing upgrades, or station improvements – outside of this sequence if funding should become available and if supported by a project partner or local jurisdiction.

The remainder of this section identifies anticipated incremental implementation steps and describes how the incremental approach would apply to those steps, including future phases of engineering, construction, and permitting, including the Atlantic Gateway Program.

#### **2.3.4.1 Preliminary Engineering**

Each of the Build Alternatives presented in the DC2RVA Draft and Final EIS were developed by DRPT to an approximately 10 percent level of design (conceptual design), using readily available data from existing sources. These conceptual designs were sufficient to determine infrastructure requirements to meet operational needs as well as to perform the comparative impact analyses for NEPA assessments and to support the ultimate decision-making for the Selected Alternative.

To advance the Project to the next phase of project development, DRPT is progressing the conceptual designs for the Selected Alternative along the entire corridor to a 30 percent level of design (preliminary engineering). The 30 percent infrastructure design plans take into consideration the railroad and service operational requirements, adequacy of the infrastructure (including reliability and resiliency), and environmental mitigations and commitments.

#### **2.3.4.2 Construction Approach**

A key goal in implementing the DC2RVA Project is to avoid disruptions to existing intercity passenger, commuter, and freight rail service. Therefore, DRPT will implement an incremental construction approach to building the infrastructure improvements. Under the incremental

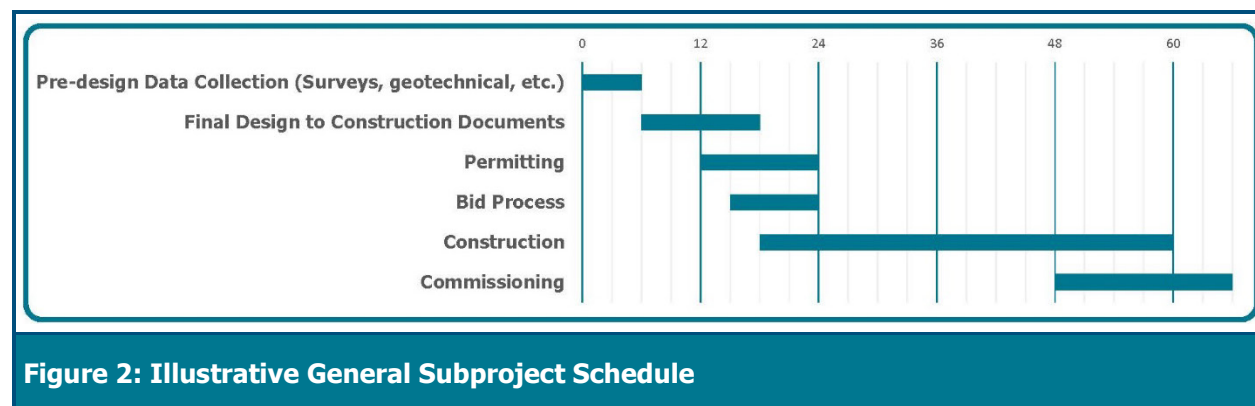


construction approach, the Project would be constructed in logical subprojects,<sup>15</sup> generally following the priorities identified above. Some subprojects may vary in length, depending on available funding, complexity of construction, identification of logical endpoints for the infrastructure improvements, and rail operations.

The illustrative incremental implementation plan that follows is based on funding being available for each subproject in advance of the next phase of design. The Project's Corridor Service Development Plan (SDP), which FRA and DRPT will publish after conclusion of this ROD, will provide additional detail on DRPT's anticipated approach to delivering the DC2RVA Project. A general subproject schedule showing the beginning and ending months of the task may include, but not be limited to, the following (Table 2 and Figure 2). Based on a four- to five-year process to complete a subproject from preliminary engineering to construction and commissioning, subprojects will need to occur concurrently in order to complete the full corridor build-out during the 20-year planning horizon. Subprojects will need to be staggered by location and schedule such that construction phases do not pose a disruption to existing rail service.

**Table 2: Illustrative General Subproject Schedule**

Project Step	Schedule Period (Start to Finish)
Pre-design Data Collection (Surveys, geotechnical, etc.)	0–6 months
Final Design to Construction Documents	6–18 months
Permitting	12–24 months
Bid Process	18–24 months
Construction	21–60 months
Commissioning	48–66 months



<sup>15</sup> DRPT and CSXT previously completed segments of track construction within the DC2RVA corridor (AF to Franconia, and Possum Point to Arkendale) with minimal impacts to existing freight and/or passenger rail service.



The remainder of this section details the incremental approach to specific steps that would occur including: pre-design data collection; permitting; right-of-way acquisition; utility relocations; construction sequencing; and post-construction.

**Pre-Design Data Collection.** As funding becomes available for each incremental subproject, DRPT will initiate additional data collection and design for that subproject. Advanced subproject designs will build from the conceptual (10%) designs provided within the Final EIS, and incorporate any additional preliminary engineering or other information developed to assist the advanced design, such as detailed survey data or geotechnical data. During this stage, DRPT will review the conditions in the subproject segment of the corridor, including the built environment, the natural environment, and the human environment. Although DRPT developed much of this information during the preparation of the Draft and Final EIS, conditions can change over time. Updated information is necessary, especially when progressing to a more detailed level of design, seeking permits and regulatory approvals, and carrying out mitigation commitments. DRPT will review and update as necessary corridor conditions and environmental consequences involving:

- Water Resources, including:
  - Surface waters, rivers, streams and floodplains
  - Coastal Zone Management
  - Wetlands
  - Water quality
  - Drinking Water/ Aquifers/Water Supply
  - Permits
- Agricultural Lands
- Solid Waste and Hazardous Materials
- Air Quality
- Noise and Vibration
- Aesthetic and Visual Environment
- Biological Resources, including:
  - Habitat and Natural Communities
  - Wildlife
  - Threatened and Endangered Species
- Community Resources
- Title VI and Environmental Justice
- Archaeological and Above Ground Cultural and Historic Resources
- Parklands, Recreational Areas, and Wildlife Refuges
- Transportation Infrastructure and Traffic
- Utilities
- Construction Impacts

DRPT will then apply the updated information on corridor conditions and environmental consequences to the subproject design, along with detailed survey and other data. As part of the future phases of design for each subproject, DRPT will avoid or minimize impacts to these resources to the extent practicable. Where impacts cannot be avoided or minimized, DRPT will work with the regulatory agencies, permit authorities, project stakeholders and the local communities to develop appropriate mitigation measures as part of the subproject design, and in accordance with Project Commitments identified in this ROD (Attachment C). Mitigation measures will be implemented for each subproject as they are constructed and become operational.

**Final Design to Construction Documents.** Future phases of design will progress the design of each subproject from preliminary engineering through the preparation of construction documents. Design progress will be guided by commitments in this ROD, the Basis of Design, and the Service Development Plan.

Construction documents provide the foundation and framework for the construction activities. These documents may include, but are not limited to:

- Construction plans
- Project specifications
- Estimate of probable construction costs
- Project manual
- Project schedule

**Permitting.** Permitting will be required to progress a subproject from design to construction and will be completed prior to advertising for bids or any construction activities. The specific permits required will vary based on the proposed infrastructure, construction activity, and jurisdiction(s) through which the subproject passes. Permit submittal and approval processes will also vary based on the same factors.

Throughout each subproject development, final design, and construction, DRPT will continue to coordinate with appropriate regulatory agencies to obtain the necessary permits and approvals pertinent to that subproject, including providing all necessary mitigation and/or consultation. For example, DRPT will submit a Joint Permit Application to federal and state authorities for wetland permits and provide related mitigation on a subproject basis. Other permits and approvals will also be obtained on a subproject by subproject basis. Section 3.5 provides additional details about anticipated permitting and regulatory approvals for the Project.

**Right-of-way Acquisition.** Although most of the DC2RVA infrastructure improvements occur within existing VDOT and CSXT right-of-way, some subprojects will require additional right-of-way, including temporary access for construction. Right-of-way acquisition will be a major factor in determining the overall subproject construction packaging and scheduling. DRPT assumes that all rights-of-way for a particular subproject will be acquired before construction activities (including advertising for bids) commence for that segment.

**Utility Relocations.** Utility relocations also will be a major factor in construction packaging and scheduling. Existing agreements between CSXT and utilities within or crossing CSXT rights-of-way will apply to the relocation of those utilities. Utilities across private properties or highway rights-of-way will follow the VDOT process for relocating utilities.

**Construction Sequencing.** DRPT anticipates that the subprojects would be divided into construction packages, and the construction packages would be further divided based on the types of infrastructure improvements. Construction contracts would be let to meet project schedules as developed during the incremental phases of the overall DC2RVA project. A key goal of the construction sequencing is to maintain existing passenger and freight operations. Where three tracks are proposed, there should be at least two main tracks in operation while one track is out of service or under construction, except during brief (i.e., a few hours) cutover periods. Where two tracks are proposed, there should be at least one main track in operation while one track is out of

service or under construction. Station improvements for platform additions and pedestrian access will be advanced early to support the new track when placed in operation.

Additional early construction activities may include, but not be limited to:

- Major bridges which have an extended lead time for fabrication and/or construction
- Special trackwork which has an extended lead time for fabrication and/or construction
- Earthwork
- Culverts and drainage
- Retaining walls due to estimated duration of construction

Final construction sequencing will be developed during the final design for each of the subproject construction packages.

**Post-Construction.** Post-construction activities will consist of testing new signal components and adjusting rail operations to utilize the new infrastructure. Areas temporarily disturbed during construction would be restored in accordance with project commitments and permits.

### 2.3.4.3 Atlantic Gateway Program in the DC2RVA Corridor

The Commonwealth of Virginia received a \$165 million FASTLANE grant award in 2016, leveraging additional public and private funding to implement a \$1.4 billion program of highway and rail projects along the I-95 corridor (the Atlantic Gateway program). As part of this program, and in keeping with FRA and DRPT's priority for the DC2RVA corridor, DRPT proposes expediting design, funding, and construction of approximately six miles of fourth main track between Rosslyn (RO – CFP 110.1) and Alexandria (AF – CFP 104.3), referred to as the AF to RO Fourth Track project. As of the publication of the Tier II Final EIS, DRPT had confirmed funding for the AF to RO project through Areas 1 and 2, with construction planned to commence in 2020.

These projects are part of the DC2RVA Selected Alternative, and address FRA's and DRPT's first priority. DRPT is conducting preliminary engineering for the six miles of fourth track between AF to RO and developing plans for collecting additional survey data. With the issuance of this ROD, DRPT will advance additional data collection and design, followed by permitting and developing construction documents as summarized in the steps above. During the advanced design, DRPT will work to avoid or minimize impacts in accordance with project commitments, regulatory requirements and project permits, and input from stakeholders and the local communities. Where impacts cannot practicably be avoided or minimized, DRPT will work with the regulatory agencies, permit authorities, stakeholders and the local community to develop and implement mitigation measures as defined in the project commitments and AF to RO subproject permits.

## 2.4 Environmentally Preferable Alternative

CEQ regulations implementing NEPA require that an agency identify the alternative or alternatives considered to be environmentally preferable, which is defined as “the alternative that will promote the national environmental policy as expressed in the NEPA, Section 101” (40 C.F.R. 1505.2). This means the alternative that causes the least damage to the physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

Considering these factors, FRA identified Build Alternatives 1B, 2A, 3B, 4A, 5A, and 6F from each of the six alternative areas to form a contiguous 123-mile route through the Project corridor, which is also the Selected Alternative – as environmentally preferable. FRA considered all Build Alternatives, as well as the No Build alternative, and weighed and balanced the physical environmental effects associated with the Build Alternatives as well as those associated with the No Build alternative. Based on the analyses in the Tier II Draft and Final EIS, FRA determined that the adverse environmental effects associated with the Selected Alternative would be less substantial than the consequences associated with the No Build alternative in terms of air quality, energy, and traffic.

The full range of Build Alternatives considered in the Tier II Draft EIS had a wide variance of impacts on environmental resources, especially for natural resources along the Ashland and Fredericksburg bypass alternatives. The Selected Alternative would result in lower community, farmland, and biological impacts, including lower impacts to jurisdictional wetlands, when compared to the other Build Alternatives. The Selected Alternative would result in fewer impacts on historic properties and parkland resources than the other Build Alternatives. It would also affect fewer key community and religious facilities, and would displace fewer residential units and commercial and industrial businesses than the other Build Alternatives. However, for aspects of the physical environment such as noise, regional traffic, and air quality, the construction and operation of the Selected Alternative would have similar impacts as other Build Alternatives. The comparison of the environmental consequences of all Build Alternatives is documented in Chapter 4 of the Tier II Draft EIS, and the environmental consequences of the Selected Alternative with a comparison to other Build Alternatives are documented in Chapter 5 of the Tier II Final EIS.

The construction and operation of the Selected Alternative will remain with the CSXT right-of-way (as documented in Section 2.3 above). Therefore, in balancing the impacts on natural and community resources, FRA has determined that the Selected Alternative would result in the least overall impacts to the human and natural environment while meeting the Purpose and Need of the Project and is therefore environmentally preferable.

### 3 ENVIRONMENTAL CONSIDERATIONS

#### 3.1 Summary of Potential Environmental Effects

Table 3 provides a summary of the potential quantitative impacts of the Selected Alternative upon the built and natural environments; additional qualitative assessments are discussed after the table. All impacts shown are permanent impacts (i.e., not temporary disturbances due to construction activities). Temporary impacts are documented in Chapter 5 of the Tier II Final EIS.

**Table 3: Summary of Impacts**

Environmental Resource			Selected Alternative						Total for the Selected Alternative
			1B	2A	3B	4A	5A	6F	
Additional ROW (Acres)			0.03	53.77	14.02	1.27	23.45	56.58	149.12
Natural Resources	Wetlands (Acres)		0	5.94	4.2	8.8	0.98	4.27	24.19
	100-Year Floodplains (Acres)		0.1	16.1	9.9	17.2	6.6	44.1	94.0
	Streams & River Crossings (Linear Feet)		0	8,031	1,271	3,616	6,978	10,061	29,957
	Threatened & Endangered Species and Habitat		No	Yes	Yes	Yes	Yes	Yes	–
Geologic Resources	Construction-Limiting Soils		Unknown / Not Rated	Yes	Yes	Yes	Yes	Yes	–
	Prime Farmland	Prime Soils (Acres)	0	27.65	24.62	56.93	15.8	25.4	150.4
		NRCS Form 106 Score (Points) <sup>1</sup>	0	66	80	93	51	19	–
	Agricultural & Forestal Districts (Acres)		0	0	0	0	0	0	0
Hazardous Materials	Superfund / CERCLA Sites		0	0	0	0	0	0	0
	Recorded Release & Potential Contamination Sites		0	5	3	0	2	25	35
	HAZMAT Facilities		0	5	4	0	0	6	15
	Petroleum Storage Tanks		0	1	3	0	3	7	14
Air Quality <sup>2</sup>	CO <sub>2</sub> Emissions (Tons per Year) Change Compared to No Build		-6,518						-6,518
Noise <sup>3</sup>	Impacted Noise Receptors	Category 1 Moderate	0	0	0	0	0	1	1
		Category 1 Severe	0	0	0	0	0	0	0
		Category 2 Moderate	0	548	67	51	135	416	1,217
		Category 2 Severe	0	99	8	18	14	15	154
		Category 3 Moderate	0	6	1	1	1	7	16



**Table 3: Summary of Impacts**

Environmental Resource			Selected Alternative						Total for the Selected Alternative
			1B	2A	3B	4A	5A	6F	
Vibration <sup>3</sup>	Impacted Vibration Receptors	Category 3 Severe	0	0	0	0	4	0	4
		Total	0	653	76	70	154	439	1,392
		Category 1	0	0	0	0	0	0	0
		Category 2	0	15	0	2	25	8	50
		Category 3	0	0	0	0	1	0	1
		Total	0	15	0	2	26	8	51
Energy <sup>2</sup>	Energy Consumption (Billions of BTUs) Change Compared to No Build		-293						-293
Aesthetics & Visual Environment	Visual Impact Rating (Low, Moderate, or High)		Low	Low – Moderate	High	Low	Low	Low – High	–
Community & Environmental Justice	Commercial Relocations		0	0	1	0	2	11	14
	Residential Relocations		0	2	0	0	0	3	5
	Compatible with Comprehensive Land Use Plans (Yes / No)		Yes	Yes	Yes	Yes	Yes	Yes	–
	Environmental Justice Census Tracts with Residential Relocations		0	0	0	0	0	0	0
Park Resources	Number / Acres		0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	1 / 0.21	1 / 0.21
Cultural Resources	Effects on Archaeological Sites	Adverse Effect	0	1	4	0	0	3	8
		No Adverse Effect	0	0	2	0	0	3	5 <sup>4</sup>
		No Effect	0	0	0	0	0	0	0
	Effects on Buildings, Districts, Structures, & Objects	Adverse Effect	0	2	2	2	3	3	13 <sup>5</sup>
		No Adverse Effect	2	5	8	8	2	29	54 <sup>4</sup>
		No Effect	0	3	4	3	11	9	30
	Effects on Battlefields	Adverse Effect	0	0	0	0	0	0	0
		No Adverse Effect	0	0	4	1	0	5	10
		No Effect	0	0	0	0	0	0	0

**Table 3: Summary of Impacts**

Environmental Resource			Selected Alternative						Total for the Selected Alternative
			1B	2A	3B	4A	5A	6F	
Transportation	Proposed Public At-Grade Crossing Improvements	Grade Separate <sup>6</sup>	0	0	1	0	2	4	7
		Closure	0	1	0	1	0	5	7
		Four-Quad Gates	0	1	2	4	3	3	13
		Median Treatment	0	0	1	2	1	4	8
		No Action	0	2	0	0	5	1	8
	New Public Crossings		0	0	0	0	0	0	0
	Proposed Private At-Grade Crossing Improvements	Closure	0	0	0	0	0	0	0
		Four-Quad Gates	0	0	0	0	0	2	2
		Locking Gate	0	0	0	10	0	2	12
		No Action	0	5	0	0	0	0	5
	New Private Crossings		0	0	0	0	0	0	0
	Roadway Travel Patterns: % Change in Daily Traffic, Adjacent Roadways at Stations <sup>7</sup>		–	<1%	7-8%	–	<1%	1-2%	–
	Total Daily Delay (hours) / % Intercity Passenger Trains of Total		–	23.01 / 13%	6.59 / 13%	3.35 / 13%	56.33 / 11%	64.22 / 10%	153.50 / 11%

Notes: Permanent effects are summarized in this table. Appendix L of the Tier II Final EIS provides for detailed mapbooks of the Preferred Alternative, which show the permanent and temporary limits of disturbance throughout the 123-mile Project corridor.

Acronyms used in this table include: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Hazardous Materials (HAZMAT)

1. Natural Resources Conservation Service (NRCS) treated each alternative area separately; therefore, there is no “cumulative” corridor assessment score.

2. “Change” shown compares 2045 Preferred Alternative to 2045 No Build conditions. Air Quality and Energy are analyzed corridor-wide based on the station alternative as selected in Richmond (6F), so only a single value is shown in this table.

3. Noise and Vibration categories defined in Section 5.7 of the Final EIS.

4. Fredericksburg & Spotsylvania Co. Battlefields National Military Park & Cemetery, Lee Drive (111-0147) is both an above and below ground resource, and it is counted in the table twice in the “No Adverse Effect” column, as both an Archaeological Resource and a Historic Resource.

5. The historic RF&P Railroad (500-0001) traverses the Project corridor from the Potomac River on the north to Main Street Station in Richmond on the south; therefore, one resource has been added to the “Adverse Effect” column for “Effects on Buildings, Districts, Structures, & Objects” since it does not fall in a single Alternative Area.

6. Some existing grade-separated crossings will be widened/replaced as part of the Project; these crossings are separate from the proposed new grade separations of existing at-grade crossings that are quantified in this table. Additionally, the existing at-grade closure of St. James Street is quantified in this table as a “Closure”, as it will be closed to vehicular traffic and replaced with a pedestrian-only bridge.

7. “Change” shown compares 2025 Preferred Alternative to 2025 No Build conditions.

**Qualitative Assessments.** The following resources are addressed in qualitative discussions in the Tier II Draft and Final EIS documents:

- **Safety and Security.** Safety considerations along the corridor include the operations of the freight, commuter and intercity passenger services operating on the corridor. Security considerations include existing stations and rail yards, as well as along the railroad right-of-way, including at-grade roadway crossings. FRA's Track Safety Standards (49 CFR 213) are based on classifications of track that determine maximum operating speed limits, inspection frequencies, and standards of maintenance. The infrastructure proposed in the Selected Alternative is designed to meet the appropriate FRA regulations, industry standards and CSXT requirements. Changes in rail operations, including increased passenger train frequency and speed, proposed in the Selected Alternative will be implemented to meet appropriate FRA regulations, industry standards, and Amtrak and CSXT requirements.
- **Public Health and Safety.** FRA is the primary Federal agency authorized to oversee railway safety in the United States. FRA administers safety regulations over all aspects of rail operations along the existing corridor. The Selected Alternative is designed in accordance with FRA regulations, industry standards, and CSXT requirements. FRA and DRPT expect that the proposed upgrades to facilities and added rail capacity associated with the Selected Alternative will increase safety of all train traffic through the DC2RVA corridor by decreasing congestion, replacing older infrastructure, and constructing grade separations or improvements at existing at-grade crossings. The modern infrastructure and new technologies that will be applied will provide a greater level of safety for all rail traffic, including transportation of hazardous materials.
- **Construction Impacts.** Construction impacts associated with the proposed action are generally impacts that are temporary or short-term in nature and that occur only during the period of construction. FRA and DRPT anticipate that best management practices and other measures that are documented in the Tier II Final EIS can be appropriately used to mitigate any temporary construction impacts.
- **Indirect and Cumulative Effects.** The corridor connects several of the most rapidly developing regions in Virginia – where residential, commercial, industrial, and other transportation projects are constantly emerging. FRA and DRPT anticipate that the nature and magnitude of the indirect and cumulative effects of the Selected Alternative are small in the context of the effects of past, present, and reasonably foreseeable future actions. FRA and DRPT expect that the consequences of indirect effects of the Selected Alternative will be limited because the proposed improvements will modify an existing rail facility within which the locations of potential induced development are limited to station areas where development already is prevalent, and any induced development would be consistent with local planning goals and land use plans. Additionally, the narrow linear nature of the Selected Alternative presents a limited footprint of direct impacts and, therefore, a limited potential for expansive indirect impacts attributable to encroachment and alteration. Overall, considerable adverse impacts to sensitive and vulnerable resources have occurred over time, first due to agricultural uses of the land and then to residential, commercial, industrial, institutional, and public infrastructure development; however, current regulatory requirements and planning practices are helping avoid or minimize the contribution of present and future actions to adverse cumulative effects. When considered in that context, the magnitude and intensity of the impacts of the Selected Alternative will not have substantial indirect and cumulative effects, particularly considering the efforts to minimize adverse impacts of the Selected Alternative and other mitigation measures to be implemented.

## 3.2 Avoidance and Minimization Measures

The DC2RVA Project design attempted to maximize use of the existing rail right-of-way in order to avoid new impacts to resources. However, due to the need to straighten curves (to meet operational needs as dictated by Purpose and Need and the Project Basis of Design) or provide station improvements, there were areas where Project impacts extended outside the existing right-of-way. FRA and DRPT identified measures to avoid or minimize impacts to the natural and built environments, where feasible, as part of the conceptual engineering and included such measures in the Project, as described in the Final EIS. Avoiding and minimizing environmental impacts was a key step of the alternatives development process for the Tier II Draft EIS, as described in Section 2.1. Between the Tier II Draft and Final EIS, FRA and DRPT completed further refinements to the conceptual engineering for the Preferred Alternative, which resulted in both design changes to the proposed Project infrastructure as well as changes to the anticipated environmental impacts. Examples of refinements include: selecting an alternative alignment that avoids impacts to resources; locating new track on either the east or west side of the CSX right-of-way to avoid impacts to adjacent resources; or use of retaining walls to avoid physical disturbance to adjacent resources. Refinements were based on comments from the public and review agencies, as well as new data either provided or discovered during the Tier II Draft EIS review period, and resulted in further minimization of potential impacts. These changes to the Preferred Alternative between the Tier II Draft and Final EIS are documented for each alternative area in Chapter 4 of the Tier II Final EIS. Avoidance alternatives and measures to minimize harm specific to the Section 4(f) process are documented in Chapter 6 of the Tier II Final EIS, and all measures to minimize harm for resources that could not be avoided are included in the design of the Selected Alternative, documented in the Final Section 4(f) evaluation (see Section 3.3.2), or as all resources with Section 4(f) use are historic properties, agreed to in the conditions set forth in the Section 106 MOA (see Section 3.3.1).

Where negative effects cannot be avoided or minimized, or when no other reasonable or feasible alternative is available, FRA or DRPT, as appropriate, have identified additional measures to mitigate the potential impacts. Refer to Section 4 for details on the mitigation measures described in Appendix C with which DRPT must comply as a condition of FRA's approval. FRA recognizes that DRPT's compliance with the mitigation measures described in Appendix C will occur incrementally, as subprojects are funded and advanced through design and construction. In the event that the Project or incremental subproject is turned over to another sponsor during construction, DRPT will continue to coordinate the following commitments with that sponsor and the appropriate federal, state, and local regulatory and managing agencies.

## 3.3 Environmental Determinations

### 3.3.1 Section 106 of the National Historic Preservation Act Determination

As previously stated, Section 106 of the NHPA and Section 106 implementing regulations (36 CFR Part 800) require Federal agencies to consider the effects of their undertakings on historic properties and to afford various parties an opportunity to participate in the process if the undertaking could result in an adverse effect on a property listed in or eligible for the NRHP.

After extensive identification and evaluation studies, FRA and DRPT determined that there are 120 cultural or historic properties located in the Project APE, as documented in Chapter 5 and Appendix D of the Tier II Final EIS. In accordance with 36 CFR 800.5(a) FRA determined, and DHR concurred, that the Project will have no effect on 30 of the historic properties and no adverse

effect on 69 of the historic properties, and will have an adverse effect on 21 of the historic properties (8 archaeological and 13 architectural resources). DHR has concurred with these determinations. Detailed information on SHPO consultation is documented in Appendix E of the Tier II Final EIS.

Per 36 CFR 800.6, FRA and DRPT have prepared a Section 106 MOA to outline stipulations that will be taken to mitigate the adverse effects to the 21 historic properties. These stipulated mitigation measures will be implemented on an incremental basis as funding becomes available to advance project improvements and subprojects in the area of each historic property. FRA and DRPT developed the Section 106 MOA based on feedback from consulting parties, DHR, and ACHP and includes mitigation measures to address the impacts of the Project on all adversely affected resources, such as public interpretation, additional research, NRHP documentation, and archaeological data recovery. Appendix E of the Tier II Final EIS includes all Section 106 documentation, including determinations of effects, correspondence, and meeting summaries.<sup>16</sup> A draft of the MOA as agreed to by all signatories and inclusive of comments from consulting parties and property owners was included in the Final EIS. The MOA was signed and filed with ACHP on July 16, 2019, and is provided as **Appendix A** to this ROD.

### 3.3.2 Section 4(f) of the U.S. DOT Act Determination

As previously stated, Section 4(f) protects publicly owned parks, recreation areas, and wildlife/waterfowl refuges, as well as historic sites listed in or eligible for listing in the NRHP and archaeological sites that are listed in or eligible for inclusion in the NRHP and warrant preservation in place. Section 4(f) use occurs if there is permanent incorporation, temporary occupancy, or constructive use of a protected property. Additionally, a *de minimis* impact is one that will not adversely affect the activities, features, or attributes of the Section 4(f) property or, for historic properties, that either no historic property is affected by the project or that the project is determined to have "no adverse effect" on the historic property, as part of the separate Section 106 process. FRA may not approve a Project using a Section 4(f) resource unless it determines there is no other feasible and prudent alternative and the project incorporates all possible planning to minimize harm.

The Section 4(f) process is documented in Chapter 6 of the Tier II Final EIS, with concurrence of all property owners documented in Appendix E of the Tier II Final EIS. As documented therein:

- Of the 12 public parks/recreation areas and 1 wildlife refuge located within the limits of disturbance of the Preferred Alternative, all are located within the temporary limits of disturbance and 1 is also located in the permanent limits of disturbance (Walker's Creek Retention Basin Park in Richmond, south of the James River). FRA has determined that all permanent impacts to parks will be *de minimis* and all temporary impacts to parks, recreation areas, and wildlife refuges will not result in a Section 4(f) use.
- Of the 21 historic properties determined to be adversely affected by the Project as part of the Section 106 process, FRA determined that the Preferred Alternative will result in a Section 4(f) use of 17 resources (permanent incorporation), which are listed in Table 4 below, and a *de minimis* use or no use of 4 resources. For the remaining Section 106 resources in the Project APE that would not be adversely affected by the Project, FRA determined that the Preferred Alternative will have no use or a *de minimis* use.

<sup>16</sup> FRA and DRPT included the unsigned MOA in the Final EIS, but received no comments on it.



**Table 4: Section 4(f) Uses – Selected Alternative**

DHR ID	Name/Description
500-0001	Richmond, Fredericksburg, and Potomac Railroad
500-0001-0022	RF&P Bridge over Occoquan River
44ST1223	Civil War Campsite
111-0132-0025	Rappahannock River Railroad Bridge and Associated Structures/Platform
44SP0187	Bridge/Marye's Mill
111-0132	Fredericksburg Historic District
44SP0688	Block 49
44SP0687	Block 48
44SP0468	Earthwork/Jackson's Earthwork
042-5448	Doswell Historic District
042-0093	Doswell Depot and Tower, 10577 Doswell Rd
166-5073	Berkleytown Historic District
043-0292	Laurel Industrial School Historic District, Hungary Road
043-0292-0001	Main Building/Robert Stiles Building/Bluford Office Building, 2900 Hungary Road
127-0344	Shockoe Valley & Tobacco Row Historic District
127-0172	Main Street Station and Trainshed, New Union Station, Seaboard Airline & Chesapeake & Ohio Railroad Depot
127-6271	Seaboard Air Line Railroad Corridor

Where FRA determines that there is no feasible and prudent avoidance alternative, the alternative that causes the least overall harm to Section 4(f) resources must be selected. This determination is made by balancing the following seven factors as identified in 23 CFR 774.3(c):

- (1) the ability to mitigate adverse impacts of each Section 4(f) property;
- (2) the relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;
- (3) the relative significance of each Section 4(f) property;
- (4) the views of the official(s) with jurisdiction over each Section 4(f) property;
- (5) the degree to which each alternative meets the purpose and need for the project;
- (6) after reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- (7) substantial differences in costs among the alternatives.

As documented in Section 6.6 of the Tier II Final EIS, FRA and DRPT determined through an avoidance alternatives analysis that there are no feasible and prudent alternatives to the Selected Alternative that meet the Purpose and Need of the Project, and that the Selected Alternative incorporates all measures to mitigate harm.<sup>17</sup> As noted therein, avoidance alternatives are not

<sup>17</sup> Measures to mitigate harm included minimizing the Project footprint, altering the height and width of any newly required structures, assuring that modifications matched the historic character of the surrounding area, and removing excessive signage or other visual elements to maintain the viewshed, as detailed in Section 6.6 of the Tier II Final EIS.

required when a finding of *de minimis* use is made for Section 4(f) resources. Additionally, the least harm analyses on the Section 4(f) resources meet the requirements of 23 CFR 774.3(c) and confirm that there are no feasible and prudent alternatives to the use of land from the 17 historic properties with Section 4(f) use, and that the proposed action – i.e., the Selected Alternative – includes all possible planning to minimize harm to these resources resulting from such use, as summarized below.

- In Area 1: FRA determined that Selected Alternative in Area 1 will not result in a Section 4(f) use for any resources.
- In Area 2: FRA determined that the Selected Alternative in Area 2 will result in a Section 4(f) use of two resources: the RF&P Bridge over the Occoquan River (500-0001-0022) and archaeological site 44ST1223, a Civil War campsite that abuts the railroad tracks. The only alternative that avoids these resources is the No Build, which does not meet the Project Purpose and Need.
- In Area 3: FRA determined that the Selected Alternative in Area 3 will result in a Section 4(f) use of six historic resources. Four of the six resources with a Section 4(f) use are archaeological sites that straddle the rail line: site 44SP0187 (Marye's Mill), site 44SP0688 (Block 49), site 44SP0687 (Block 48), and site 44SP0468 (Jackson's Earthwork). Because the archaeological sites straddle the extant rail corridor and the bridge/structures comprise the physical fabric of the elevated rail system in this area, there is no prudent and feasible avoidance to these resources except for the No Build Alternative. The remaining two historic resources are the Rappahannock River Railroad Bridge and Associated Structures/Platform (111-0132-0025) and the Fredericksburg Historic District (111- 0132). Impacts to both resources are the result of physical modifications to the built environment. Use of both areas is required to achieve the Project goals, and reuse of the historic rail structural system rather than building a new system limit impacts on surrounding historic properties as compared to other Build Alternatives considered. The only alternative that avoids all impacts in this area is the No Build Alternative, which does not meet the Project Purpose and Need. Alternative 3C, the Fredericksburg Bypass, would avoid these six resources but would adversely impact at least 10 other historic properties in a manner that diminishes their significance and integrity. As such, the Selected Alternative will cause harm to the least quantity of historic properties in the Fredericksburg area.
- In Area 4: FRA determined that the Selected Alternative in Area 4 will result in a Section 4(f) use of two historic resources along the existing tracks: the Doswell Depot and Tower (042-0093) and the Doswell Historic District (042-5448). The depot and tower are located on opposite sides of the tracks. With the addition of a third track, the depot will remain, but the tower will be moved to the east. This action will result in a 4(f) use of this resource. The only prudent and feasible alternative is the No Build Alternative, which would leave the extant track system intact. This does not meet the Project Purpose and Need. The Doswell Historic District is located on both sides of the existing tracks; as such there is no avoidance alternative other than the No Build Alternative which does not meet the Purpose and Need of the Project.

- In Area 5: FRA determined that the Selected Alternative in Area 5 will result in a Section 4(f) use of three historic resources along the existing tracks. Although the Selected Alternative in Area 5 avoids the addition of a third track through the Town of Ashland in this area, work requires the construction of road overpasses at Vaughan Road (Archie Cannon Drive) and Ashcake Road north and south of town, which will result in a 4(f) use of the Berkleytown Historic District (166-5073). The only avoidance alternative to all of these resources is to not construct the improvements, which are part of the No Build, which does not meet the Project Purpose and Need. Alternative 5C, the bypass around Ashland, was the subject of a Phase IA reconnaissance study to identify areas with the potential for historic properties. Through this study, it was determined that over 20 above-ground resources had the potential to be eligible for the NRHP along this corridor and over 100 acres required archaeological survey to identify eligible sites. As such, the impacts to historic properties would be greater along the bypass alternative than the Selected Alternative, thus the Selected Alternative causes the least harm to historic resources.
- In Area 6: FRA determined that the Selected Alternative in Area 6 will result in a Section 4(f) use of three historic resources: one historic district, one above ground resource, and one linear district. The Selected Alternative includes several modifications in Shockoe Bottom in Richmond, including the construction of new passenger platforms on new piers, installation of a new rail on existing viaducts on both the east and west sides of Main Street Station, and construction of a new rail maintenance access platform southwest of the station. FRA has determined that the Selected Alternative in Area 6 will result in a Section 4(f) use of Main Street Station and Trainshed (127-0172) and the surrounding Shockoe Valley and Tobacco Row Historic District (127-0344) due to these physical alterations. There is no prudent and feasible avoidance alternative for these resources with the exception of the No Build Alternative, which would not meet the Purpose and Need of the Project. The Station is also a contributing element to the Seaboard Air Line (SAL) Railroad Corridor (127-6271); thus, impacts to the station, the structures, and the rail line itself will result in a Section 4(f) use of the associated rail line as a historic property. The Selected Alternative also includes grade-separating (i.e., raising) Hungary Road over the rail corridor in Henrico County, which will result in a Section 4(f) use of the Laurel Industrial School Historic District (043-0292) and Main Building/Robert Stiles Building within the Laurel District (043-0292-0001). There is no avoidance alternative. The Richmond area alternatives that would rely on the A-Line to carry additional passenger service (Alternatives 6A, 6B-A-Line, 6C, 6E, and 6G) were eliminated from further consideration in the Tier II Draft EIS as being unable to meet the Project's Purpose and Need, as documented in Section 4.3.3.6 of the Tier II Draft EIS.
- For the entire Project corridor, one historic property is located throughout the majority of the Project corridor. Given that the historic RF&P Railroad (500-0001) traverses the Project corridor from the Potomac River on the north to Main Street Station on the south, FRA has determined that there is a permanent Section 4(f) use with the Preferred Alternative in all six of the alternative areas. The No Build is the only alternative that would avoid all Section 4(f) uses within the corridor, and this would not meet the Project Purpose and Need.
- Through extensive coordination with various agencies, localities and other invested groups, impacts to the 17 properties with a 4(f) use were minimized to the greatest degree

possible through design changes. Any impacts that could not be avoided will be mitigated through commitments made as part of the Section 106 process. Each of the 17 resources was individually accessed for potential mitigation options, and a roster of tasks was created and modified through consultation with consulting parties and others and include: two NRHP nominations, 11 public interpretive signage clusters, one intensive architectural studies, two Cultural Landscape Reports (CLR), five GIS mapping & overlay studies, three Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) analyses, five archaeological data recoveries, three historical webpages, five public talks, three oral history projects, six scholarly articles, nine structural treatment consultation, five historic contexts, three artifact displays, one public walking tour, and a web-based StoryMap on historic properties throughout the corridor. In addition, one resource—the Doswell Railroad Tower—will be moved.

- The final mitigations were detailed in the Project Section 106 MOA, which was ratified on July 16, 2019. This final Section 106 MOA was reviewed and approved by all consulting parties and by officials within each jurisdiction through the Section 106 consultation process. A copy of the signed Section 106 MOA is Attachment A of this ROD. Details on the Section 106 consultation including summary tables and copies of all correspondence and minutes can be found in Appendix E of the Tier II Final EIS.

The Selected Alternative was identified as such because it has the least overall harm of all Build Alternatives under consideration while meeting the Purpose and Need. There were no substantial differences between the approximate costs of the Build Alternatives in Areas 1, 2, and 4; however, the proposed bypass alternative in Area 3, the proposed bypass and tunnel alternatives in Area 5, and alternatives using the A-Line in Area 6, were more costly than other alternatives in those areas. As previously stated, in addition to fewer impacts on historic properties and parkland resources than the other Build Alternatives, the Selected Alternative would also result in lower community, farmland, and biological impacts, including lower impacts to jurisdictional wetlands, when compared to the other Build Alternatives, as well as fewer key community and religious facilities and fewer residential, commercial, and industrial business displacements.

As documented in Chapter 6 and Appendix E of the Tier II Final EIS, FRA notified DHR and ACHP of FRA's Section 4(f) determinations by letter dated December 4, 2018. By letter dated March 27, 2019, FRA informed the U.S. Department of the Interior (DOI) of FRA's Section 4(f) determinations.

By letter dated June 18, 2019, DOI stated that the descriptions of each resource and the Section 4(f) use are "very thoroughly documented" in the Tier II Final EIS documentation, and concurred with FRA's determinations that:

- There is no prudent and feasible alternative to the use of Section 4(f) lands by the Project, which consist of 17 historic properties as listed above in Table 4
- All possible planning to minimize harm has occurred
- The mitigation measures outlined in the Tier II documentation adequately addresses Section 4(f) use

The concurrence of DOI for the Final Section 4(f) Evaluation is provided as Attachment B of this ROD.

### 3.3.3 Air Quality General Conformity Determination

As part of the environmental review of the proposed Project, FRA conducted a general conformity evaluation for air quality pursuant to 40 C.F.R. Part 51, Subpart W and 40 C.F.R. Part 93 Subpart B. FRA has determined that Project-generated predicted annual pollutant emissions in nonattainment and maintenance areas are all below general conformity *de minimis* threshold values required and that no conformity determination is required.

#### 3.3.3.4 Consistency with Coastal Zone Management Program

The entire Project corridor occurs within Virginia's coastal zone management area, designated in accordance with the Coastal Zone Management Act (CZMA) of 1972. The CZMA requires federal activities which are reasonably likely to affect any land or water use or natural resource within the coastal management area to be consistent with the enforceable policies of a coastal state's federally approved coastal management program before they can occur. In Virginia, the Department of Environmental Quality (VDEQ) is the lead agency responsible for coordinating the Commonwealth's review of federal consistency determinations. The Virginia Coastal Zone Management Program includes several agencies administering the enforceable policies addressing:

- Fisheries Management
- Subaqueous Lands Management
- Tidal and Non-Tidal Wetlands Management
- Dunes Management
- Non-point Source Pollutions Control
- Point Source Pollution Control
- Shoreline Sanitation
- Air Pollution Control
- Coastal Lands Management

The Selected Alternative will be designed and constructed in accordance with the Virginia Erosion and Sediment Control Law and the terms and conditions of water quality permits required by USACE, Virginia DEQ, and VMRC, and an erosion and sediment control plan and a stormwater management plan approved by Virginia DEQ. Implementation of proposed mitigation measures and any required permits will ensure consistency with the enforceable policies of the Virginia CZMP.

FRA and DRPT will submit a Federal Consistency Determination for the Preferred Alternative that analyzes the coastal effects of the Project in light of the enforceable and advisory policies of the Virginia Coastal Zone Management Program and provide commitment(s) to comply with those policies prior to construction. FRA and DRPT will develop details on compliance activities during the incremental design and permitting and approvals process for each segment or incremental project as funding becomes available and they are advanced to construction.



### 3.4 Environmental Findings

#### 3.4.1 Section 7 of the Endangered Species Act Finding

Section 7 of the Federal Endangered Species Act (ESA) requires federal agencies to consult with the US Fish and Wildlife Services (USFWS) to ensure that actions are not likely to jeopardize the continued existence of threatened or endangered fish, wildlife, or plant species or result in the destruction or adverse modification of designated critical habitat for any such species. Based on updated research through regulatory agency online databases, agency input regarding threatened and endangered species that may be present along the Project corridor, and field surveys of potentially suitable habitat, as well as obtaining the current list of federally threatened and endangered species from USFWS, FRA and DRPT determined that the Selected Alternative could potentially impact eight federally endangered and/or threatened species, one proposed federally threatened species, and eight state-listed endangered and/or threatened species, as documented in Chapter 5 of the Tier II Final EIS.

FRA and DRPT will continue to coordinate with USFWS, Virginia Department of Game and Inland Fisheries, and National Marine Fisheries Service and complete any consultations required by Section 7 of the Endangered Species Act of 1973, as amended (Section 7) and, consistent with the proposed incremental approach to Project implementation described above, will complete a programmatic consultation under Section 7 with the applicable Federal permitting agencies.

#### 3.4.2 Wetlands Finding

FRA is required to make findings pursuant to Executive Order 11990, Protection of Wetlands, and the U.S. Department of Transportation Wetlands Order, DOT Order 5660.1A. DRPT has made efforts throughout the planning and conceptual design process, and will continue to do so during future phases of final design, to further avoid and minimize impacts to wetlands to the extent practicable. Impacts to wetlands and Waters of the US (WOUS) will require submittal of a Joint Permit Application to USACE, Virginia Department of Environmental Quality (DEQ), and Virginia Marine Resources Commission (VMRC). Mitigation for unavoidable impacts will be developed in coordination with these agencies during the permitting process and incorporated into final design for both temporary and permanent impacts. Permanent impacts to wetlands and other WOUS from construction activities will require compensatory mitigation. The final compensatory mitigation plan will be determined during the permitting process, in coordination with the regulatory agencies. Permitting and mitigation for wetlands will occur incrementally as the Project is advanced through smaller subprojects and is the responsibility of DRPT; in the event that the Project or subproject is turned over to another sponsor during construction, DRPT will continue to coordinate permitting commitments with that sponsor and the appropriate federal, state, and local regulatory and managing agencies. Based upon these efforts and future mitigations, FRA determines that the Project is consistent with the requirements of Executive Order 11990 and DOT Order 5660.1A.

#### 3.4.3 Floodplains Finding

U.S. DOT Order 5620.2 implements Executive Order 11988, Floodplain Management. These orders state that FRA may not approve an alternative involving a significant encroachment unless FRA can make a finding that the proposed encroachment is the only practicable alternative. The Selected Alternative will permanently affect 94.0 acres of Federal Emergency Management Agency (FEMA)-designated 100-year floodplains. However, FRA and DRPT have determined that none of the floodplain encroachments represent a significant encroachment because:

- The Selected Alternative would pose no significant potential for interruption or termination of a transportation facility that is needed for emergency vehicles or provides a community's only evacuation route;
- The rail lines upon which the Selected Alternative would run are not considered the only emergency evacuation route, nor do they support emergency vehicles;
- The Selected Alternative would not pose a significant flooding risk, nor will it increase flood height elevations or the probability of flooding, or the potential for property loss and hazard to life; and
- The Selected Alternative would not have significant adverse effects on natural and beneficial floodplain values.

Avoidance and minimization efforts, including spanning floodplains where practicable and minimizing wetland impacts, will be incorporated during future phases of design to avoid or minimize impacts on natural and beneficial floodplain values. The Project will be designed and constructed in accordance with Executive Orders 11988-Floodplain Management; the Virginia Erosion and Sediment Control Regulations; and the Virginia Stormwater Management Law and regulations. The Project will include an erosion and sediment control plan and a stormwater management plan approved by the Virginia DEQ, or local water quality protection criteria at least as stringent as the above state requirements. DRPT will implement these floodplain avoidance and minimization efforts, including compliance with Executive Order 11988, erosion and sediment control, and stormwater management requirements, on an incremental basis as specific subprojects are funded and advanced through final design and construction. Based upon these findings, FRA determines that the Project is consistent with the requirements of Executive Order 11988.

### 3.4.4 Environmental Justice Finding

FRA and DRPT conducted data collection and analysis to determine the presence of and effects of the DC2RVA Project upon any Environmental Justice populations in the Tier II Draft and Final EIS in accordance with Title VI of the Civil Rights Act of 1964,<sup>18</sup> Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*,<sup>19</sup> and U.S. DOT Order 5610.2.<sup>20</sup> As a result of this analysis as detailed below, FRA and DRPT have determined that the Selected Alternative does not have disproportionate adverse effects on Environmental Justice populations in comparison to other Build Alternatives under

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<sup>18</sup> Title VI states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

<sup>19</sup> EO 12898 requires that each federal agency “shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

<sup>20</sup> As defined by “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, minority populations are citizens or lawful permanent residents of the United States who are African-American, Hispanic or Latino, Asian-American, American Indian, or Native Alaskan. Low-income persons are defined as those whose median household income is below the United States Department of Health and Human Services (HHS) poverty guidelines. For the DC2RVA project, FRA and DRPT identified these populations through the use of US Census data, National Center for Education Statistics data, and information from public involvement and outreach activities.

consideration. EPA concurred with the analysis approach, as described below, on September 16, 2015.

There are four key measures “to identify and avoid discrimination and avoid disproportionately high and adverse effects” (U.S. DOT Order 5610.2a) on environmental justice populations:

- Identifying and evaluating environmental, public health, and interrelated social and economic effects of DOT programs, policies, and activities,
- Proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by DOT programs, policies, and activities, where permitted by law and consistent with the Executive Order [EO 12898],
- Considering alternatives to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts, consistent with the EO 12898, and
- Eliciting public involvement opportunities and considering the results thereof, including soliciting input from affected minority and low-income populations in considering alternatives.

FRA and DRPT applied all four of these measures in the Title VI and Environmental Justice analysis of the DC2RVA Project in the Tier II Draft and Final EIS documents, as summarized separately below.

**Identifying Effects.** The Tier II EIS for the Project included and documented “explicit consideration of the effects on minority population and low-income populations” (U.S. DOT Order 5610.2a). FRA and DRPT analyzed all Build Alternatives, including the Selected Alternative, to determine whether the Project will result in any disproportionate and adverse effects to minority and low-income populations and community resources including: relocations, changes in community cohesion, relocations of community facilities, changes of access to these facilities, changes in response times for emergency services, and noise and vibration effects (Draft EIS Sections 4.11 and 4.12).

**Measures to Avoid, Minimize, and/or Mitigate Effects/Considering Alternatives.** Measures to “avoid, minimize, and/or mitigate” effects were considered and documented by FRA and DRPT in the Tier II Draft and Final EIS for the Project. Consideration of alternatives to avoid or minimize effects also occurred. Analyzed across all of the potential environmental effects to Environmental Justice populations (residential relocations, community cohesion, relocations of community facilities, access to community facilities, changes in response times for emergency services, and noise and vibration impacts) as reported in the Tier II Draft and Final EIS, FRA and DRPT have determined that the Selected Alternative does not have disproportionate adverse effects on Environmental Justice populations in comparison to other Build Alternatives under consideration, as described below.

*Residential Relocations.* The Selected Alternative avoids the most severe disproportionate and adverse impacts (residential relocations) to potential Environmental Justice populations. As shown in Table 5.12-1 in the Tier II Final EIS, the Selected Alternative avoids any impacts (i.e., no residential relocations) in census tracts with a high proportion of minority and low-income populations. For comparison, as analyzed in the Tier II Draft EIS, one of the Build Alternatives in

Fredericksburg, (3C) two in Ashland (5C, 5C-Ashcake) and four in Richmond (6A, 6B-A-Line, 6C, and 6E) had the potential for between 7 and 105 residential relocations in census tracts with a high proportion of minority and low-income populations (as documented in Table 4.12-1 of the Draft EIS). The Selected Alternative avoids these impacts.

*Community Cohesion.* One of the Build Alternatives in Fredericksburg (3C) and two in Ashland (5C, and 5C-Ashcake) had the potential for community cohesion impacts (as documented in Section 4.11.2 of the Draft EIS). The Selected Alternative avoids these impacts.

*Relocation of Community Facilities.* Two of the Build Alternatives in Ashland (5C, 5C-Ashcake) and four in Richmond (6A, 6B-A-Line, 6C, and 6E) had the potential for relocating community facilities. The Selected Alternative avoids these impacts (as documented in Section 4.11.3 of the Draft EIS).

*Access to Community Facilities/Changes in Response Times for Emergency Services.* The Build Alternatives did not have the potential to change access to community facilities or to change response times for emergency services.

*Noise and Vibration Impacts.* There are operational noise impacts (i.e., locomotive horn noise, stationary horn noise, or wayside noise) along the entire Project corridor, so the Selected Alternative would have adverse noise effects in census tracts with a high proportion of minority and low-income populations, – however these adverse noise impacts are not disproportionate to other areas of the corridor. The Selected Alternative minimized adverse noise effects in comparison to other Build Alternatives screened in the Draft EIS, in particular, more severe effects in greater magnitude in Areas 3 and 5 on which new rail alignments were proposed (as documented in Section 4.12.2.2 of the Draft EIS).

In Area 3, less than 100 noise receptors were affected by Build Alternatives 3A and 3B, which pass through Downtown Fredericksburg, with 88 percent of these occurring in census tracts with a high proportion of minority and low-income populations. Almost 4,000 noise receptors were affected by Alternative 3C, in the Fredericksburg bypass alternative, where 45 percent of these occurred in census tracts with a high proportion of minority and low-income populations. The Selected Alternative (3B) would have a less total adverse effect on census tracts with a high proportion of minority and low-income populations and Alternative 3C would have impacts that are more severe.

In Area 5, through Ashland, the Build Alternatives that pass through Ashland affected almost 160 noise receptors; 80 percent of these occur in census tracts with a high proportion of minority and low-income populations. The Ashland Bypass (Alternative 5C) affected more than 300 noise receptors; 46 percent of these occurred in census tracts with a high proportion of minority and low-income populations. The Selected Alternative would have a less adverse effect on census tracts with a high proportion of minority and low-income populations and the Ashland Bypass would have impacts that are more severe. Notwithstanding, as previously described in Section 2.4.3, the Project will be developed as a series of incremental subprojects as funding becomes available and DRPT will review and update as necessary, corridor conditions and environmental consequences including presence of and impacts to Environmental Justice populations as well as the need for noise and vibration mitigation as part of each subproject section. Noise and vibration mitigation will be addressed during future incremental phases of design using FRA's High-Speed Ground Transportation Noise and Vibration Impact Assessment (September 2012) procedures, which could potentially include installation of wayside horns at crossings and noise walls

between track and receptors. In addition, public involvement and outreach within Area 5 was a determining factor in the Selected Alternative, as summarized in the following section.

**Eliciting Public Involvement.** The public involvement program included meaningful opportunities for public involvement by members of minority and low-income populations throughout the corridor and consideration of input from these populations. Public outreach has been integral to the project since the Project kick-off in the Fall of 2014 and has been documented in the Tier II Draft EIS and Final EIS. In particular, as a part of the public involvement process, the Ashland/Hanover Area Community Advisory Committee (CAC) was established to advise and inform DRPT on DC2RVA Build Alternatives and issues in the Ashland/Hanover County area. Based on the information and analyses of the seven Build Alternatives presented for Area 5 in the Draft EIS, public comments on the Draft EIS, information and comments developed through coordination with the CAC, and subsequent refined rail operations analyses, Alternative 5A was identified by FRA and DRPT as the Selected Alternative.

As documented in Section 4.12 of the Draft EIS, the environmental justice analysis is based on whether the percentage of minority or low-income populations within a census tract impacted by an alternative is greater than the percentage of minority or low-income populations within that census tract's county. For example, Fairfax County has a minority population of 46.11 percent. If the percentage of minority population in a census tract in Fairfax County is higher than 46.11 percent, the tract has the potential to contain an environmental justice population. Instead of a regional population across the entire corridor, this method provides a more accurate representation of potential environmental justice populations in diverse areas such as the DC2RVA corridor. EPA concurred with this analysis approach on September 16, 2015.

The trigger for an Environmental Justice effect is defined as "disproportionately high and adverse human health or environmental effects" (EO 12898). These effects are then compared to impacts in those census tracts that do not meet the thresholds for environmental justice populations. Specific residences or businesses were not examined for the presence of minority or low-income populations. Therefore, the exact impact on a specific residence through either relocation or a noise effect may not be on a minority or low-income person(s). The analysis focused on census tracts with a high proportion of minority and low-income populations. American Community Survey Census data is updated every year and changes over time. In addition, the 2020 Decennial Census will include additional race categories not previously included on the census form. Latino/Hispanic will be its own race category, not an ethnicity, and Middle Eastern will be a new race category. These new additions to the Decennial Census are expected to result in changes in minority populations. As the project progresses through the funding process and more refined design, new Census data will be able to provide a more updated analysis. As stated in the Project Commitments, DRPT will develop a communication liaison plan for each subproject that would notify affected and/or sensitive receptors of noise and vibration impacts, mitigation strategies, and construction schedules.

Based upon these findings, FRA determines that the Project is consistent with the requirements of Executive Order 12898.



### 3.5 Future Permits and Regulatory Approvals

As detailed in the incremental approach Section 2.3.4, the specific permits required, as well as permit submittal and approval processes, will vary based on the proposed infrastructure and jurisdiction(s) through which the future funded improvement passes. Throughout future Project development, design, and construction, DRPT will continue to coordinate with appropriate federal, state, and local regulatory agencies to obtain the necessary permits and approvals, including the potential use of nationwide and/or regional permits, as presented in Table 5 below.

**Table 5: Anticipated Future Necessary Permits and Approvals**

Permit	Authorizing Regulation	Regulatory Agency
Section 401 Water Quality Permit	Clean Water Act	Virginia Department of Environmental Quality
Section 402 Discharge Permit	Clean Water Act	Virginia Department of Environmental Quality
Section 404 Dredge and Fill Permit	Clean Water Act	U.S. Army Corps of Engineers
Section 408 Permission	Clean Water Act	U.S. Army Corps of Engineers
Subaqueous Bed Permit	Code of Virginia Chapter 2, Title 62.1	Virginia Marine Resources Commission
National Pollutant Discharge Elimination System Permit	Clean Water Act	U.S. Environmental Protection Agency
Municipal Separate Storm Sewer Systems (MS4) Permit	Virginia Stormwater Management Act	Virginia Department of Environmental Quality
Section 9 Bridge Permit	River and Harbors Act	U.S. Coast Guard
Section 10 Work in Navigable Waters Permit	River and Harbors Act	U.S. Army Corps of Engineers

There will be permit requirements for construction of the Preferred Alternative associated with the crossing and filling of water resources and wetlands.

Section 404 permits will be needed from the U.S. Army Corps of Engineers (USACE) for wetlands where filling occurs. In addition, the DC2RVA Project will require a Section 401 water quality certification and Section 402 discharge permit from the Virginia Department of Environmental Quality (Virginia DEQ).

A Subaqueous Bed permit will also be required from the Virginia Marine Resources Commission (VMRC). A Joint Permit Application (JPA) will be submitted to USACE, VMRC, Virginia DEQ, and Local Wetlands Board, and will combine several of the above permits. DRPT will submit a

JPA as required for each incremental subproject as the incremental improvements are funded and advanced into design and construction.

As part of the JPA review and approval process, a Section 408 permission will be required. Permission approval will be based on a letter of concurrence from the local sponsor, any real estate instruments needed for construction and/or operations, and final plans for construction. It is anticipated that a pre-application meeting will be held with USACE during the early stages of the next phase of design for each subproject and that a JPA pre-submittal meeting will be held with the USACE Section 408 team. Section 408 permission is separate from and concurrent with the JPA approval.

DRPT anticipates that the DC2RVA Project will result in the disturbance of more than five acres of total land area. Therefore, the Project will require a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from the construction sites. Permit coverage for the Project will be obtained either under the Virginia DEQ General Permit for Stormwater Discharges from Construction Site Activities or under an individual NPDES permit. A Municipal Separate Storm Sewer System (MS4) permit for small municipal separate storm sewer systems will be secured, as required by states and/or local authorities.

Work involving the spanning of navigable waterways will require a Section 10 permit from the USACE and a Section 9 Bridge permit from the U.S. Coast Guard. DRPT will seek these permits as each subproject involving a bridge over navigable waterways is funded and advanced into design and construction.

## 4 PROJECT COMMITMENTS AND MITIGATION

Project commitments to provide mitigation measures for the DC2RVA Project are the result of agency consultations, comments on the Tier II Draft and Final EIS, and regulatory requirements for the Project. Each commitment has been agreed to by the DRPT and will be implemented by DRPT, as appropriate, in the Project's design and construction phases.

As detailed in Section 2.3.4, the Project will be designed and constructed in increments as funding becomes available; as each Project increment is funded and moves forward through design and construction, the mitigations appropriate to that specific Project increment will also be implemented. DRPT will review the conditions in the subproject segment of the corridor, including the built environment, the natural environment, and the human environment. Although DRPT developed much of this information during the preparation of the Tier II Draft and Final EIS, FRA and DRPT acknowledge that conditions can change over time and that updated information is necessary, especially when progressing to a more detailed level of design. At that time, DRPT will review the conditions in the subproject segment of the corridor, including the built environment, the natural environment, and the human environment. DRPT will review and update as necessary, corridor conditions and environmental consequences and reconfirm potential impacts to environmental resources as identified in the Tier II Final EIS and ROD. If during future phases of design, the Project's or subproject's design or impacts exceed the NEPA commitments established in this ROD, then DRPT will re-evaluate the design and/or the NEPA documentation. In the event that the Project is turned over to another sponsor during construction, DRPT will continue to coordinate the following commitments with that sponsor and the appropriate federal, state, and local regulatory and managing agencies.

FRA and DRPT defined proposed commitments to mitigate the impact to applicable resources in the respective sections of the Tier II Final EIS and summarized the commitments in the Project Commitments section of the Tier II Final EIS. Since the publication of the Tier II Final EIS, FRA and DRPT have edited the Commitments text to specifically tie how the mitigations will be carried forward per the incremental approach for the Project, as described in Section 2.3.4. Additional details that were added to specific Commitments include: timing in the overall process of when a commitment will occur, particularly for those that are a specific permit or regulation; examples of activities that would occur; and examples of potential mitigations that could be implemented. Additionally, two commitments (F1 and F2) were combined into a single commitment (F1) to provide a continuous commitment on how DRPT will address any changes to the human and built environments during future phases of the Project.

Additionally, based on agency comments received on the Tier II Final EIS as documented in Section 5 below, FRA and DRPT revised six Project Commitments and introduced four new commitments, as follows. The remainder of the commitments remain unchanged as documented previously in the Tier II Final EIS.

- Four new commitments have been added subsequent to the Tier II Final EIS:
  - Commitment A12.7, new coordination commitment in regard to the Town of Ashland;
  - Commitments B24 and B25, in a new “Waters/Drinking Water” topic area in regard to Best Management Practices (BMPs) for wellhead protection, and minimizing impacts and increasing sustainability to surface waters, ground- and drinking water; and
  - Commitment D17, in a new “Long Bridge Design Coordination” topic area in regard to continuing coordination with the Long Bridge project.
- Six commitments have been revised:
  - A12.4 (Coordination with Localities);
  - B12 (Wildlife, Habitats, and Trees);
  - B20 (Noise and Vibration);
  - C1 and C2 (Cultural Resources and Section 106 introduction); and
  - D1 (Maintenance of Traffic/Grade Crossings).

These modifications did not affect the numbering of the primary commitments between the Tier II Final EIS and ROD; all numbering referenced herein is consistent between the two documents, with the addition of the four new commitments and one combined commitment noted above.

The Project Commitments, as revised and updated as described above, are provided in their entirety as Attachment C of this ROD.

## 5 SUMMARY OF COMMENTS ON THE TIER II FINAL EIS

In issuing this ROD, FRA and DRPT have considered all comments received on the Tier II Final EIS, as well as the comments previously received on the Tier II Draft EIS, from the Town of Ashland/Hanover County Community Advisory Committee (CAC), and from ongoing extensive coordination with agencies and outreach with the general public. FRA and DRPT received comments on the Tier II Final EIS from 7 agencies and organizations and 420 citizens, as detailed below.

### 5.1 Agency and Organization Comments on the Tier II Final EIS

Seven federal, state, and local agencies and/or organizations provided comments on the Tier II Final EIS, each of whom also provided comments on the Tier II Draft EIS.

- Two cooperating agencies: EPA and USACE
- Three participating agencies: City of Alexandria, Town of Ashland, and Hanover County
- Two other organizations: Southern Environmental Law Center (SELC) and the Ashland Museum

Summaries of their comments on the Tier II Final EIS and responses to each from FRA and DRPT are provided below. Copies of their comment letters on the Tier II Final EIS are provided in Attachment D of this ROD.

**EPA.** Comments from EPA were generally supportive of the Project and the level of analysis and commitments that were made in the Tier II Final EIS documentation. The EPA requested that FRA and DRPT continue to work with EPA and other stakeholders, including close coordination with the public, and suggested additional efforts to minimize potential impacts to the community and natural environment be included in the Project Commitments, including the following:

- Additional Best Management Practices (BMPs) for wellhead protection areas, including training of contractors to ensure practices are understood
- Additional resources for stormwater management efforts
- Additional minimization of construction dust
- Additional measures to support local communities in the plantings of trees, community gardens, and parks and walkways
- Additional communication and coordination methodologies and plans, for particularly sensitive resources (such as schools or daycare facilities) and Environmental Justice communities
- Ongoing coordination with the separate Long Bridge Project

In response to these comments, FRA and DRPT reconfirm their commitment to further avoiding, reducing, or mitigating impacts to resources during future phases of DC2RVA design and construction, and have revised the Project Commitments as requested by EPA, as documented in Attachment C of this ROD. FRA and DRPT are also committed to continue to coordinate with federal and state agencies, affected localities, the general public, and other stakeholders during future phases of design and permitting, in accordance with all applicable federal and state laws and regulations (Commitment A1 in the Project Commitments). DRPT has also committed to address stormwater management (Commitments A7, B3, B5, and B6) and construction dust

(Commitment B16) as required by the Virginia Stormwater Management Law and regulations and the Virginia Department of Transportation (VDOT) Road and Bridge Specifications. In response to EPA's comments on waters, FRA and DRPT have added two new commitments in regard to wellhead protection and surface, ground, and drinking water (Commitments B24 and B25).

Although supporting local communities in the planting of trees, community gardens, parks and walkways is beyond the scope of the DC2RVA Project, Project Commitments do focus on minimizing tree clearing (Commitments B12 and B22); DRPT will evaluate potential mitigation measures during future phases of design and construction and have edited the Project Commitments to state such (Commitment B12). Further, in keeping with the Project Commitments for continued coordination as enumerated in Section A of the Project Commitments, FRA and DRPT will include applicable measures for wellhead protection areas, stormwater management, and construction dust, support local communities, and address particularly sensitive resources and Environmental Justice communities during future design and construction phases. Both FRA and DRPT are directly involved in the Long Bridge Project; FRA and DRPT will continue to coordinate the progress and planned connection of DC2RVA and Long Bridge, and have added a new commitment to state such (Commitment D17).

**USACE.** Comments from USACE were in regard to specific permitting/application requirements and timing during future phases of the Project, with recommendations on specific coordination and additional potential mitigation measures to consider. USACE noted the quantified impacts to aquatic resources, and recommended additional evaluation of further measures to avoid and minimize impacts, particularly considering the limited availability of mitigation credits in some watersheds along the corridor. USACE reaffirmed that they can only authorize the least environmentally damaging practicable alternative (LEDPA) and will consider all environmental factors, inclusive of natural resources and social/economic resources, as part of their final permit evaluations.

In response to these comments, FRA and DRPT reconfirm their commitment to continued coordination with USACE on matters under their jurisdiction (Commitments A1 and A2) and to the commitments that USACE quoted in their comments and as stated in the Project Commitments. Specifically, FRA and DRPT will prepare and submit appropriate application(s), with current jurisdictional determination as noted by USACE (Commitments A3 and B2). FRA and DRPT will coordinate all wetland functions and values assessments and United Stream Methodology (USM) results with the USACE prior to permit applications and will continue to refine designs to avoid and minimize impacts to streams and wetlands to the extent practicable (Commitment B1). DRPT will remain informed about mitigation credit availability as the Project moves forward.

**City of Alexandria.** In their comments on the Tier II Final EIS, the City of Alexandria supported the inclusion of the Alexandria Union Station within the Project, but noted that their previous comments on the Tier II Draft EIS remain valid, particularly in regard to potential noise and vibration impacts during and after construction. The City also noted that any additional right-of-way impacts outside those identified in the Final EIS would be problematic, and stated that regular and meaningful coordination between the City, FRA, DRPT, WMATA, and VRE is integral to the future success of the Project.

In response to these comments, FRA and DRPT reconfirm their commitment to continued coordination with the City and other stakeholders listed by the City throughout future phases of



the Project (Section A of the Project Commitments), particularly in regard to any future design at Alexandria Union Station/King Street Station (Commitment A12.2), which is the Project's northernmost served station. FRA and DRPT will identify and implement appropriate noise and vibration mitigation during future phases of design, using FRA's noise and vibration impact assessment procedures at that time (Commitment B18). If during future phases of design, the Project's or subproject's design or impacts exceed those identified in the Tier II Final EIS documentation, FRA and DRPT will re-evaluate the design and documentation at that time, and FRA and DRPT will reconfirm potential impacts to environmental resources, including potential residential impacts, during future phases of the Project (Commitment F1).

**Town of Ashland.** In their comments on the Tier II Final EIS, the Town of Ashland reiterated their previous comment on the Tier II Draft EIS that the DC2RVA Project's reliance on diesel trains on shared track is short-sighted and does not meet the current and long term needs of the Commonwealth, and additionally stated concern that the Preferred Alternative (i.e., no additional track through the Town of Ashland) could "inevitably" lead to the addition of a third track through Town subsequent to the DC2RVA Project. The Town noted that they will rely on the language from the Commonwealth Transportation Board (CTB) resolution<sup>21</sup> for the Project to protect their interests, and that they believe the only alternative that "would meet future capacity needs and would have received unanimous support of the CAC" is a deep bore tunnel option. The Town of Ashland also submitted a resolution passed unanimously and adopted by the Ashland Town Council on June 18, 2019, enumerating these specific concerns.

In response to these comments, FRA and DRPT refer to their response to the Town of Ashland's comments on the Tier II Draft EIS as documented in Appendix C of the Tier II Final EIS, and again note that the 2002 Tier I EIS for the Southeast High Speed Rail Corridor established the overall purpose and defined the route for providing a competitive transportation choice for travelers with the Washington, D.C. to Richmond, VA, Raleigh and Charlotte, NC travel corridor, including the use of diesel locomotives on the shared passenger-freight corridor. The Tier II EIS carries forward the purpose of the Tier I EIS within the Washington, D.C. to Richmond portion of the larger SEHSR corridor by identifying the infrastructure improvements necessary to provide a competitive transportation choice for current and future conditions. FRA estimated passenger, commuter, and freight train levels for 20 years (2045) to ensure the proposed infrastructure improvements will be sufficient to meet the Project's Purpose and Need. This includes a detailed review of projected train traffic through the Town of Ashland under the Preferred Alternative. The DC2RVA Project does not preclude adoption of, or adjustment for, future technological changes. Developing the corridor incrementally based on market demand and/or funding availability allows flexibility to accommodate future technological changes in future phases of design and construction.

Additionally, the Town of Ashland requested to participate as a partner in the future planning, design, and engineering of the grade-separated crossings at Vaughan and Ashcake Roads, and the planning and development of any future Ashland Station as part of the Project. In response to these comments, FRA and DRPT confirm their commitment to coordinate with the Town of Ashland, the general public, and other stakeholders during future phases of design and permitting of the grade-separated crossings at Vaughan and Ashcake Road, which has been

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<sup>21</sup> The CTB passed a resolution December 6, 2017 addressing the DC2RVA Project with the Town of Ashland. This resolution was provided as Appendix H to the Tier II Final EIS.

specifically added as a new commitment (Commitment A12.7) in Attachment C of this ROD. The DC2RVA Project does not include modifications to the Ashland Station.

**Hanover County.** Comments from Hanover County were supportive of the selection of Alternative 5A for the Ashland/Hanover Area (Area 5), as it was consistent with their comments on the Tier II Draft EIS and with the least objectionable alternatives adopted by the CAC. In response to these comments, and as stated throughout the Project Commitments, FRA and DRPT confirm their commitment to continue working forward with the County, the general public, and other stakeholders during future phases of design and permitting within the area. The DC2RVA Project will be implemented in increments or subprojects as funding becomes available. As part of the future phases of design for each subproject, DRPT will avoid or minimize impacts to the extent practicable. Where impacts cannot be avoided or minimized, DRPT will work with the regulatory agencies, permit authorities, project stakeholders and the local communities to develop appropriate mitigation measures as part of each subproject design, and in accordance with the specific Project Commitments in Attachment C.

**SELC.** Comments from SELC were generally supportive of the Project and the analysis and commitments made in the Tier II Final EIS, particularly in regard to not selecting any bypass alternatives, inclusion of cost information, and attention to cultural and historic properties as part of the Section 106 process, particularly in the Richmond area. SELC noted that the Commonwealth will need to be “vigilant and aggressive” to ensure that on-time performance targets are met, and encouraged consideration of electrification technology in the corridor. SELC stated that additional refinements and mitigation measures to further avoid and minimize potential impacts to resources, particularly noise impacts on environmental justice communities in the corridor, should be made. Finally, SELC continues to have concerns in regard to the Project’s shifting of passenger rail traffic to the S-Line in Richmond, particularly in regard to costs of train slots and infrastructure maintenance, and they suggest maintaining access to the A-Line and incrementally increasing routing via the S-Line.

In response to these comments, FRA and DRPT note that although the DC2RVA Tier II Final EIS considered diesel locomotives in the Washington, D.C. to Richmond segment in keeping with the determination made in the 2002 Tier I EIS for the SEHSR corridor, the DC2RVA Project does not preclude adoption of, or adjustment for, future technological changes which could include electrification. FRA and DRPT remain committed to further avoiding, reducing, or mitigating impacts to resources during future phases of design and construction, and have made specific commitments to address potential noise impacts and associated mitigation using FRA’s High-Speed Ground Transportation Noise and Vibration Impact Assessment, in accordance with the incremental approach of the Project (Commitments B18 – B20). DRPT will re-evaluate the need for noise and vibration mitigation within each subproject section as the subprojects are funded and move forward into final design and construction. SELC’s comments on the Preferred Alternative’s use of the S-Line versus the A-Line were previously addressed by FRA and DRPT in the Tier II Final EIS. As noted in Section 4.3.6.2 of the Tier II Final EIS, rail operations analyses show that passenger and freight rail performance goals cannot be met using the A-Line without additional track capacity; however, the existing A-Line through Richmond runs in a trench down the middle of I-195, which itself is within a trench, so options to expand rail capacity are limited or cost-prohibitive. These alternatives would also require a new third track on the A-Line on a bridge across the James River. An additional track cannot be added to the A-Line without expanding both the rail trench and the I-195 trench, creating extensive infrastructure and property impacts.

The Preferred Alternative routes all north-south passenger service onto the S-Line through Richmond, allowing passenger service to Richmond's downtown Main Street Station. The exception is Amtrak's Auto Train which would bypass Richmond using the A-Line. The Auto Train does not stop in Richmond, and would not fit through the historic Triple Crossing rail structure immediately south of Main Street Station. Passenger trains operating on the A-Line would not be able to serve Main Street Station and would be inconsistent with the Preferred Alternative. The Preferred Alternative would reduce the potential for conflicts between passenger and freight trains in the Richmond terminal area, since most north-south freight traffic through Richmond will continue to use the A-Line, while passenger trains will use the S-Line. Although the S-Line route from Centralia to Staples Mill Road Station is one mile longer than the A-Line and passes through the urbanized core of Richmond, there is more opportunity to construct necessary capacity improvements on the S-Line than on the A-Line.

**Ashland Museum.** Comments from the Ashland Museum stated their endorsement of the Town of Ashland comments, and generally encouraged solutions and technologies that will be practical beyond 2045. They state that the Project will affect the "economic vitality and quality of life" in Ashland immediately, and that the Town and surrounding areas are not sustainable with an at-grade third rail (track) nor a "wall of trains" stopping in Town. In response to these comments, FRA and DRPT will, in keeping with the Project Commitments, continue to coordinate with the Town of Ashland and local stakeholders during future phases of design and construction affecting Ashland. The DC2RVA Project will be implemented in increments or subprojects as funding becomes available. As part of the future phases of design for each subproject, DRPT will avoid or minimize impacts to the extent practicable; where impacts cannot be avoided or minimized, DRPT will work with local communities, including the Town and its stakeholders, to develop appropriate mitigation measures as part of each subproject design, and in accordance with specific Project Commitments in Attachment C.

## 5.2 General Public Comments on the Tier II Final EIS

During the 30-day review period for the Tier II Final EIS, a total of 420 citizens contacted FRA and DRPT regarding the Project via the Project email, hotline, and/or website. Of those:

- 413 citizens provided general statements in favor of the Project and its construction via form letters, comment postcards, and/or phone to DRPT. FRA and DRPT have recorded the general statements, but did not provide a formal response.
- Six citizens provided specific questions or comments on the Project. The questions and comments concerned topics that were asked by citizens during the comment period on the Tier II Draft EIS, with responses provided by FRA and DRPT in the Tier II Final EIS Appendix C - Detailed Responses to General Public Comments and Appendix L - Preferred Alternative Mapbook. FRA and DRPT responded directly to these six commenters by pointing them to the location(s) in the Tier II Final EIS that provided the information they were looking for. These six comments and their responses are also provided in Attachment D of this ROD.
- One citizen requested a point of contact related to a potential Freedom of Information Act (FOIA) request. DRPT provided contact information for DRPT's FOIA officer.

## 6 DECISION


FRA finds that the Selected Alternative consisting of Alternatives 1B, 2A, 3B, 4A, 5A, and 6F best fulfills the Purpose and Need and objectives for the Project while balancing impacts on the natural and human environment. In reaching this decision, FRA considered the physical and operational characteristics and potential environmental consequences associated with the DC2RVA alternatives. FRA, as lead federal agency, consulted with DRPT and Cooperating Agencies and considered the Tier II EIS documents, including the analysis of the No Build alternative, all Build Alternatives, and all public and agency comments received during the review periods, to identify the Selected Alternative.

FRA has reached a decision that most closely aligns with FRA's statutory mission and responsibilities, based on consideration of the information contained in the Tier II EIS documents. FRA approves the DC2RVA Project based on the Selected Alternative identified in the Tier II Final EIS and ROD. FRA has selected this alternative because it:

1. Best satisfies the Purpose and Need for the proposed action; and
2. Minimizes impacts to the human and natural environment by using existing active railroad corridors to the extent practicable and incorporating other mitigation measures.

Accordingly, this alternative has been selected based on processes in compliance with NEPA and other applicable requirements and may be advanced.

9/5/19  
Date of Approval

  
Associate Administrator for Railroad Policy and Development  
Federal Railroad Administration

## ATTACHMENTS

- A. Final Section 106 Memorandum of Agreement
- B. Department of Interior Final Section 4(f) Concurrence
- C. DC2RVA Project Commitments
- D. Comments on the Tier II Final EIS





U.S. Department of Transportation  
**Federal Railroad Administration**



Virginia Department of Rail and Public Transportation



# **RECORD OF DECISION ATTACHMENT A: FINAL SECTION 106 MEMORANDUM OF AGREEMENT**



**D.C. TO RICHMOND SOUTHEAST HIGH SPEED RAIL**

**MEMORANDUM OF AGREEMENT  
AMONG THE VIRGINIA HISTORIC PRESERVATION  
OFFICE, THE FEDERAL RAILROAD ADMINISTRATION,  
ADVISORY COUNCIL OF HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT OF RAIL AND  
PUBLIC TRANSPORTATION REGARDING THE  
WASHINGTON, D.C. TO RICHMOND, VIRGINIA  
SOUTHEAST HIGH SPEED RAIL PROJECT**

WHEREAS, the Federal Railroad Administration (FRA) and the Federal Highway Administration, in cooperation with North Carolina Department of Transportation and Virginia Department of Rail and Public Transportation (DRPT), completed a Tier I Final Environmental Impact Statement and Record of Decision in accordance with the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*) in July and October 2002, respectively, for the proposed Southeast High Speed Rail corridor from Washington, D.C. to Charlotte, North Carolina, (SEHSR Project), which determined the preferred corridor for detailed analysis in Tier II environmental studies for individual portions of the larger corridor; and

WHEREAS, a Programmatic Agreement developed pursuant to 36 C.F.R. § 800.14(b) among FRA, the Virginia State Historic Preservation Office (Virginia SHPO), North Carolina State Historic Preservation Office, DRPT, the North Carolina Department of Transportation, Rail Division, and the Advisory Council on Historic Preservation (ACHP) was signed on April 12, 2016 for the SEHSR Project (the SEHSR PA); and

WHEREAS, Stipulation VIII of the SEHSR PA requires that FRA, in consultation with the Virginia SHPO, DRPT, and ACHP, if participating, develop a Memorandum of Agreement (MOA) should a project have an adverse effects on historic properties; and

WHEREAS, FRA, Virginia SHPO, DRPT, and ACHP, if participating, are Signatories to this MOA to assure that ensuing stipulations are met; and

WHEREAS, DRPT proposes to construct a 123-mile portion of the SEHSR Project that involves construction of infrastructure improvements to support increased frequency and higher-speed intercity passenger rail service in the travel corridor between Washington, D.C. and Richmond/Centralia, Virginia (DC2RVA), such as constructing additional main line tracks and track crossovers, straightening curves in existing tracks, improving intercity passenger stations and station areas, improving sidings and signals, and implementing roadway crossing safety improvements, within a long-established surface transportation corridor (Project); and

WHEREAS, FRA anticipates receiving a future request from DRPT to provide federal financial assistance to construct the Project, including activities such as design, property

acquisition, and demolition, though funding sources have not yet been determined, and it is expected that there will be a combination of federal, state and local funding that may be allocated in phases; and

WHEREAS, if FRA provides federal financial assistance to construct the Project, the Project would constitute an undertaking under Section 106 of the National Historic Preservation Act (NHPA) as amended (54 U.S.C. § 306108) (Section 106); and

WHEREAS, the NHPA and the SEHSR PA require FRA, as the lead federal agency for the Project, to take into account the effects of its undertakings on properties included in or eligible for inclusion in the National Register of Historic Places (NRHP), including consultation with other parties, and to provide ACHP a reasonable opportunity to comment prior to commencement of work on the Project; and

WHEREAS, FRA is the Project's lead federal agency for the Tier II environmental study under the NEPA and pursuant to the NEPA, FRA prepared and published a Draft Environmental Impact Statement (Draft EIS) in September 2017, and a Final Environmental Impact Statement (Final EIS) in summer 2019 for the Project, which is being coordinated with the Section 106 process pursuant to 36 CFR 800.8(a); and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c)(4), FRA has requested DRPT participate in consultation and, by letter dated December 11, 2014, has authorized DRPT to initiate consultation with the Virginia SHPO; and

WHEREAS, pursuant to 36 C.F.R. § 800.6(c)(2)(iii), FRA has consulted with DRPT and has invited them to sign this MOA as an Invited Signatory to this MOA; and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c), FRA identified Native American tribes, local governments and other groups with a vested interest in the prehistory and history of the project area (Consulting Parties) to potentially participate in the process; and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c)(2), FRA invited the Pamunkey Indian Tribe, Chickahominy Indian Tribe, Eastern Chickahominy Indian Tribe, Upper Mattaponi Indian Tribe, Rappahannock Indian Tribe, Nansemond Indian Tribe, Monacan Indian Tribe, and Catawba Indian Nation participate in consultation in letters sent in July 2015 and February 2018; and

WHEREAS, on February 23, 2018, the Upper Mattaponi Indian Tribe accepted FRA's invitation; and

WHEREAS, the remaining tribes did not respond to the invitation, but FRA is assuming that the Virginia-based tribes (Pamunkey Indian Tribe, Chickahominy Indian Tribe, Eastern Chickahominy Indian Tribe, Rappahannock Indian Tribe, Nansemond Indian Tribe, and Monacan Indian Tribe) are Consulting Parties and are treating them as such; and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c)(3), FRA, invited the following local governments to be Consulting Parties between January 2015 and July 2018, and they have elected to participate: Arlington County, Caroline County, City of Alexandria, City of Fredericksburg, City of Richmond, Hanover County, Prince William County, and Town of Ashland; and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c)(3), FRA, invited the following local governments to be Consulting Parties between January 2015 and July 2018, and each group either elected to not participate or did not reply to the invitation: Fairfax County, Henrico County, Spotsylvania County, and Stafford County; and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c)(5), FRA, invited the following groups to be consulting parties between January 2015 and February 2019, and they have elected to participate: Alexandria Archaeology, American Battlefield Protection Program (ABPP), Ashland Museum, Central Virginia Battlefields Trust (CVBT), Civil War/Battlefield Preservation Trust (CWT), Historic Fredericksburg Foundation, Inc. (HFFI), Historic Richmond Foundation, Marine Corps Base Quantico, National Park Service (NPS)- Northeast Regional Office, NPS- Captain John Smith Chesapeake National Historical Trail, NPS- Fredericksburg Division (which includes the Fredericksburg & Spotsylvania National Military Park), NPS- George Washington Memorial Parkway, NPS- National Capital Region, NPS- Potomac Heritage National Scenic Trail, NPS- Richmond Division, NPS- Washington-Rochambeau National Historical Trail, National Trust for Historic Preservation (NTHP), and Preservation Virginia; and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c)(5), FRA invited the following groups to be Consulting Parties to the Project on January 6, 2015 and they declined to participate or did not reply to the invitations: ACL & SAL Railroad Historical Society, Arlington Historical Society, Caroline Historical Society, Center for Neighborhood Revitalization, Chesterfield Historical Society, Hanover County Historical Society, Inc., Henrico County Historical Society, Historic Alexandria Foundation, Historic Prince William, Inc., Historical Society of Fairfax County, Virginia, Inc., and Stafford County Historical Society; and

WHEREAS, pursuant to 36 C.F.R. § 800.4(a)(1) and as defined in 36 C.F.R. § 800.16(d), FRA in consultation with the Virginia SHPO determined that the direct Area of Potential Effects (APE) for this Project is the entire area of ground disturbing activities and staging areas for rail and road modifications (project limits of disturbance), to include construction, along the 123-mile corridor and the Virginia SHPO concurred in a letter dated February 2, 2015; and

WHEREAS, pursuant to 36 C.F.R. § 800.4(a)(1) and as defined in 36 C.F.R. § 800.16(d), FRA, in consultation with the Virginia SHPO, determined that the indirect APE is the entire area of ground-disturbing activities and staging areas plus any areas within the viewshed of the corridor where indirect affects to a resource's setting and feeling could occur, typically comprising a 500-foot wide corridor along all sides of the limits of disturbance, 1,000 feet near proposed overpasses, one (1) city block in urban areas, and additional areas as warranted due to viewsheds and vistas; and

WHEREAS, pursuant to 36 C.F.R. § 800.4(b) and Stipulation VI of the SEHSR PA, DRPT conducted identification and evaluation-level architectural and archaeological investigations of the entire APE between 2015 and 2018, and the results of the cultural resource investigations have been coordinated with the Virginia SHPO and other Consulting Parties (see Appendix A for a full list); and

WHEREAS, a total of 120 historic properties listed in, eligible for, or assumed eligible for the NRHP have been identified within the Project APE, and FRA determined, in consultation with the Virginia SHPO and the other Consulting Parties, that the Project will have an adverse effect on twenty-one (21) of these historic properties (listed north to south; see Table 1 and Appendix B for additional details and mapping): Richmond, Fredericksburg, and Potomac Railroad (RF&P) (Virginia Department of Historic Resources [DHR] Inventory No. 500-0001), RF&P Bridge over Occoquan River (DHR Inventory No. 500-0001-0022), Rippon Lodge (DHR Inventory No. 076-0023), Civil War Campsite (Site 44ST1223), Rappahannock River Railroad Bridge and Associated Structures/Platform (DHR Inventory No. 111-0132-0025), Bridge/Marye's Mill (Site 44SP0187), Fredericksburg Historic District (DHR Inventory No. 111-0132), Block 49/Train Station (Site 44SP0688), Block 48/Train Station (Site 44SP0687), Earthwork/Jackson's Earthwork (Site 44SP0468), Doswell Historic District (DHR Inventory No. 042-5448), Doswell Depot and Tower (DHR Inventory No. 042-0093), Berkleytown Historic District (DHR Inventory No. 166-5073), Laurel Industrial School Historic District (DHR Inventory No. 043-0292), Main Building/Robert Stiles Building (DHR Inventory No. 043-0292-0001), Shockoe Valley & Tobacco Row Historic District (DHR Inventory No. 127-0344), Main Street Station Parking Lot/Railroad (Site 44HE1098), Railroad Warehouse (Site 44HE1097), Main Street Station and Trainshed (DHR Inventory No. 127-0172), Seaboard Air Line Railroad Corridor (DHR Inventory No. 127-6271), and Warehouse (Site 44HE1094); and

WHEREAS, FRA, in consultation with the Virginia SHPO and the other Consulting Parties, developed this MOA in accordance with Stipulation VIII of the SEHSR PA in order to address the Project's adverse effects on historic properties; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FRA notified the ACHP of its adverse effect determination on June 20, 2018, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii) and the SEHSR PA; and

WHEREAS, the list of historic properties, project effects, and mitigation strategies included in this MOA formulated by FRA, DRPT, ACHP, and the Virginia SHPO, have been disseminated to the Consulting Parties by DRPT through numerous emails, letters, and in-person meetings held by DRPT in Richmond, Fredericksburg, and Washington, D.C., as well as through dissemination of hard copies of the draft MOA on December 28, 2018 (see Appendix C for a list of correspondence); and

WHEREAS, pursuant to 36 C.F.R. § 800.2(d), FRA invited public input on the Project and history-related studies through public information meetings at numerous venues held in



November 2014, June 2015, December 2015, October 2017, and October 2018, and through numerous in-person meetings and emails with individual property owners and other interested parties; and

WHEREAS, FRA and DRPT have shared with the public information about the overall Project, including its effects on historic properties, multiple times via the NEPA process as outlined in the Final EIS.

NOW, THEREFORE, FRA, DRPT, the Virginia SHPO, and the ACHP (collectively referred to as the Signatories) agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## **STIPULATIONS**

FRA, in coordination with DRPT, shall ensure that the following stipulations are carried out:

### **I. APPLICABILITY**

- A. This MOA is binding on FRA only if FRA provides financial assistance for the construction of the Project.
- B. Notwithstanding Stipulation I.A., this MOA applies to all of DRPT's activities necessary to advance the Project toward and/or through construction due to the involvement of federal permits which necessitate compliance with Section 106 of the National Historic Preservation Act, including, but not limited to, further design, acquisition of property for the Project, demolition of acquired properties, and construction that are funded with any amount of financial assistance from FRA or non-federal funds.
- C. Nothing herein shall be interpreted as agreement by DRPT that Section 106 applies to other projects with independent utility that use exclusively non-federal funds.

### **II. MITIGATION MEASURES FOR ADVERSELY AFFECTED HISTORIC PROPERTIES (listed north to south)**

#### **A. RF&P Railroad (DHR Inventory No. 500-0001)**

- 1. Within one (1) year of the receipt of funding for the Project as described under Stipulation V(C), DRPT shall document, or cause to be documented through the engagement of a qualified consultant, all bridges to be removed as a result of the Project and are contributing elements to the RF&P. DRPT shall prepare, or cause to be prepared, photographic documentation of each structure consistent with guidance found in "Photographic Documentation for National Park Service

Basic Survey” and DHR’s “Photographic Documentation for Virginia Department of Historic Resources (DHR) Survey” (Updated 2016); and complete a Virginia SHPO Intensive Level Survey form for each structure in the Virginia SHPO’s Virginia-Cultural Resource Information System (VCRIS). DRPT shall also ensure that each structure is documented in a written report. The report shall address, at a minimum, the physical description and historical context of each structure. DRPT shall submit the photographs, VCRIS form, and report concurrently to FRA, Virginia SHPO, property owner, and other Consulting Parties, as appropriate, for review and comment, as described under Stipulation IV(B) and (C). DRPT shall disseminate final copies to FRA, Virginia SHPO, property owner, and the Virginia Museum of History & Culture, for their collections, and to the other Consulting Parties upon written request. Final VCRIS forms and associated packets shall be given to the Virginia SHPO at this time for their archives.

2. Within one (1) year of the receipt of funding for Project construction, as described under Stipulation V(C), DRPT shall complete, or cause to be completed through the engagement of a qualified consultant, two (2) oral histories of past and present RF&P and/or CSX Transportation (CSX-T) employees who have extended tenures with the resource and particularly historic structures along the corridor, if such individuals are available. Interviews shall be taped, and transcriptions of the interviews shall be submitted to the Virginia SHPO, the Library of Virginia, the Virginia Museum of History & Culture, HFFI, and the Richmond History Center for their collections, and the other Consulting Parties upon written request.
3. Within four (4) years of receipt of Project construction funding as described in Stipulation V(C), DRPT shall create, or cause to be created through the engagement of a qualified consultant, a web-based “story map” highlighting the 120 historic properties located within the Project APE. The story map shall include photographs, narratives, and mapping details of all resources (as appropriate to comply with the Archeological Resources Protection Act of 1979) digitally tied to an overall GIS-based map of the project corridor. Draft materials for the story map shall be submitted concurrently to FRA, Virginia SHPO, and other Consulting Parties for review and comment, as appropriate, as described under Stipulation IV(B) and (C). The hosting location for the story map shall also be discussed at this time and may include one of the consulting parties or another historically focused webpage. DRPT shall finalize the story map and notify FRA, Virginia SHPO, and the other Consulting Parties when the webpage goes live.

#### B. RF&P Bridge over Occoquan River (DHR Inventory No. 500-0001-0022)

1. Draft designs for the new bridge over the Occoquan River shall be compatible with the architectural and historic character of the existing structure and nearby historic properties. DRPT shall submit draft design plans for the new bridge at

the schematic, 30%, 65%, and 90% stages concurrently to FRA, Virginia SHPO, property owner, and other Consulting Parties, as appropriate, for review and comment, as described under Stipulation IV(B) and (C). The design packet shall include a set of bridge plans and elevations, as well as a schematic showing the proposed bridge design in relation to the existing Bridge over Occoquan River to show proposed visual modifications.

2. Within one (1) year of the receipt of funding for Project construction in this segment as described under Stipulation V(C), DRPT shall produce, or cause to be produced through the engagement of a qualified consultant, measured drawings of the existing RF&P Bridge over the Occoquan River prior to any alterations. The drawings shall conform to the guidelines specified by the NPS as set forth in Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) Guidelines (<http://www.cr.nps.gov/hdp/standards/haerguidelines.htm>).
3. Within one (1) year of the receipt of funding for Project construction in this segment as described under Stipulation V(C) and concurrent with the measured drawings, DRPT shall engage a professional photographer with experience in preparing large-format, black-and-white, archival-quality photographic documentation for HAER and HAER-type documentation projects to complete large-format photographs of the existing RF&P Bridge over Occoquan River. Photographs shall comply with HABS/HAER Photographs Specifications and Guidelines (<http://www.cr.nps.gov/hdp/standards/HABS/photospecs.pdf>) and DHR's "Photographic Documentation for Virginia Department of Historic Resources Survey (Updated 2016). Negatives and print sizes shall be 4" x 5". Negatives and prints shall be processed, labeled, and packaged according to HABS/HAER archival standards. A list of photo captions (index to photos) and a site plan of the building showing the location and direction of the photographs (key to photos) shall be included.

Photographic views shall show the bridge and associated railway, as well as the surrounding landscape. Overview and detail photos of the bridge shall be provided, documenting as much as possible of the engineering and construction methods for the property including exterior elevations and detailed views of significant architectural or historical features.

4. Within six (6) months of the completion of the measured drawings and large-format photography, DRPT shall prepare or cause to be prepared through the engagement of a qualified consultant, a first draft HAER Outline Format report documenting the bridge. The report shall include any archival research collated on the history of the bridge as it relates to the RF&P, a physical description of the bridge, copies of the measured drawings and large-format photographs collected as part of II.B.2 and II.B.3 above, and any additional data gathered during this process. The draft shall be submitted concurrently to FRA, Virginia SHPO, and other Consulting Parties, as appropriate, for review and comment,

as described under Stipulation IV(B) and (C). DRPT shall submit final documents to FRA, the Virginia SHPO, the Library of Virginia, the Virginia Museum of History & Culture, the Fairfax County Historical Society, the Prince William Historic Society, and to the other Consulting Parties upon written request.

C. Rippon Lodge (DHR Inventory No. 076-0023)

1. The adverse effect on Rippon Lodge is caused by the installation of a new railroad bridge across Neabsco Creek. As such, draft designs for the new Neabsco Creek Bridge shall be compatible with the architectural and historic character of the existing structure and nearby historic properties. DRPT shall submit draft design plans for the new bridge at the schematic, 30%, 65%, and 90% stages concurrently to FRA, Virginia SHPO, Prince William County Department of Planning as property owner, and other Consulting Parties, as appropriate, for review and comment, as described under Stipulation IV(B) and (C). The design packet shall include a set of bridge plans and elevations, as well as a schematic showing the proposed bridge design in relation to the existing Neabsco Creek Bridge to show proposed visual modifications.
2. Prior to beginning construction and within one (1) year of the receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall create, or cause to be created through the engagement of a qualified consultant, a cultural landscape study of the Neabsco Creek watershed between Rippon Lodge and the Neabsco Creek Bridge. The study shall follow the Secretary of the Interior's Standards for conducting historic landscape studies as well as applicable guidance found in NPS Bulletin #18, *How to Evaluate and Nominate Designed Historic Landscapes* and other appropriate publications and guidance documents. The landscape study shall include, at a minimum, completing archival research on this segment of Neabsco Creek focusing on historic images and maps of this corridor and gathering spatial data on the current parameters of the waterway in this area. The data shall be used to create a contextual narrative on the evolution of the waterway over time inclusive of GIS overlays and photodocumentation. The ensuing cultural landscape report shall be submitted concurrently to FRA, Virginia SHPO, Prince William County, and other Consulting Parties, as appropriate, for review and comment, as described under Stipulation IV(B) and (C). DRPT shall disseminate final copies to FRA, Virginia SHPO, and Prince William County Planning Office for their collections, and to the other Consulting Parties upon written request.
3. Within one (1) year of the completion of the cultural landscape study, DRPT shall fund the fabrication and installation of an interpretive sign near the Rippon Lodge/Neabsco Creek vista as part of Prince William County's signage initiative program to disseminate information about the historical viewshed to the general public. In consultation with FRA, Virginia SHPO, Prince William County, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be

prepared through the engagement of a qualified consultant, draft text and layout for the interpretive sign. The draft text and layout shall be submitted to FRA, Virginia SHPO, and other Consulting Parties, as appropriate, for review and comment, and Prince William County Planning Department for review and approval, as described under Stipulation IV(B) and (C). If the interpretive sign text and layout are approved by William County, DRPT shall produce the interpretive sign and install the panel in a location deemed suitable after consultation with FRA, Virginia SHPO, Prince William County, and other Consulting Parties, as appropriate. Prince William County is under no obligation to approve the signage. If the Prince William County Planning Department does not approve the signage to be a part of their marker and signage program, DRPT shall consult with FRA, Virginia SHPO, Prince William County, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic viewshed to the public.

4. Within one (1) year of the completion of the cultural landscape study, DRPT shall engage a qualified consultant to restore the viewshed between Rippon Lodge and the Neabsco Creek rail bridge through the removal of underbrush as depicted in Appendix D. Mature trees shall be left extant. DRPT shall consult with FRA, Virginia SHPO, Prince William County Planning Department, and other Consulting Parties, as appropriate, on plans associated with the vegetative removal. Prince William County is under no obligation to approve the vegetative clearing. If the Prince William County Planning Department does not approve the vegetative clearing, DRPT shall consult with FRA, Virginia SHPO and other Consulting Parties, as appropriate, to determine an appropriate method to restore the historic viewshed.

#### D. Civil War Campsite (Site 44ST1223)

1. DRPT shall avoid Site 44ST1223 to the greatest extent possible. For the portions of the archaeological site that cannot be avoided, prior to ground disturbing activities and within two (2) years of receipt of Project construction funding in this segment as described under Stipulation V(C), DRPT shall conduct an intensive pedestrian survey with mapping of all visible surface features and GIS map overlays followed by Phase III archaeological data recovery in areas with the potential for intact subsurface remains. The archaeological work shall include the following components:
  - a. DRPT shall develop a draft data recovery plan for the investigations and submit the plan concurrently to FRA, Virginia SHPO, property owner, NPS-Fredericksburg Division, ABPP, CWT and Consulting Parties, as appropriate, for review and comment, as described under Stipulation IV(B) and (C). The plan shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 Fed. Reg. 44734-37, September 29, 1983) and take into account ACHP's publication, *Treatment of Archaeological Properties* (1980). The plan shall include:



- 1) The property, properties, or portions of properties where site-specific data recovery plans shall be carried out;
  - 2) Any property, properties, or portions of properties that will be destroyed or altered without data recovery;
  - 3) The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
  - 4) The methods to be used with an explanation of their relevance to the research questions;
  - 5) The methods to be used in analysis, data management, and dissemination of data, including a schedule;
  - 6) The proposed disposition of recovered materials and records;
  - 7) Proposed methods of disseminating the results of the work to interested individuals and/or organizations who have expressed an interest in the data recovery; and
  - 8) A schedule for the submission of progress reports to FRA, the Virginia SHPO, property owner, NPS- Fredericksburg Division, ABPP, CWT, and other Consulting Parties, as appropriate.
- b. Upon revision of the plan and acceptance of a data recovery plan by FRA and Virginia SHPO, DRPT shall complete or cause to be completed through the engagement of a qualified consultant all pedestrian survey, mapping, GIS overlays, and archaeological excavation described in the recovery plan. The report shall meet all state standards for data recovery reports and include required components. DRPT shall submit draft copies of the ensuing report concurrently to FRA, Virginia SHPO, property owner, NPS- Fredericksburg Division, ABPP, CWT, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). Final copies of the report shall be disseminated to FRA, Virginia SHPO, property owner, NPS- Fredericksburg Division, ABPP, CWT, and Library of Virginia for their collections, and to the other Consulting Parties upon written request. A final VCRIS form and associated packet shall be given to the Virginia SHPO at this time for their archives.
2. Using the information gathered during the mapping and data recovery, within four (4) years of the receipt of Project construction funding in this segment as described under Stipulation V(C), DRPT shall produce, or cause to be produced through the engagement of a qualified consultant, a scholarly article discussing the historical and archaeological importance of this site. DRPT shall consult with FRA, Virginia SHPO, NPS- Fredericksburg Division, and other Consulting Parties, as appropriate, regarding the location for submittal for publication. The

final publication submittal location shall be determined based on consensus of those parties involved in the consultation. DRPT shall submit the article to the agreed upon publication and shall have no other obligations with respect to any actions that may be taken by the publisher once the article is submitted and accepted or declined, except that DRPT shall undertake any revisions or provide other assistance requested by the publisher if the article is accepted for publication.

3. Within one (1) year of the completion of the archaeological report, DRPT shall fund the fabrication and installation of an interpretive sign in a location deemed appropriate by NPS- Fredericksburg Division as part of their signage initiative program to disseminate information about Civil War camps to the general public. In consultation with FRA, Virginia SHPO, NPS- Fredericksburg Division, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign shall be submitted to FRA, Virginia SHPO, and other Consulting Parties, as appropriate, for review and comment, and NPS- Fredericksburg Division for review and approval, as described under Stipulation IV(B) and (C). Within six (6) months after the interpretive sign the text, layout, and location are approved by NPS- Fredericksburg Division, DRPT shall produce the interpretive sign and install it. NPS- Fredericksburg Division is under no obligation to approve the interpretive sign. If NPS- Fredericksburg Division does not approve the interpretive sign to be a part of their marker and signage program, DRPT shall consult with FRA, Virginia SHPO and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic site to the public.

E. Rappahannock River Railroad Bridge and Structures/Platform (DHR Inventory No. 111-0132-0025)

1. Draft designs for the new Rappahannock River Bridge, associated structures in downtown Fredericksburg, and new platform shall be compatible with the architectural and historic character of the existing structure and nearby historic properties and meet the guidelines set forth for new construction in the Old and Historic Fredericksburg District, under the auspice of the Fredericksburg Architectural Review Board (ARB). DRPT shall submit draft design plans for the new bridge at the schematic, 30%, 65%, and 90% stages concurrently to FRA, Virginia SHPO, property owner, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). The design packet shall include a set of bridge plans and elevations, as well as a schematic showing the proposed bridge design in relation to the existing Rappahannock River Railroad Bridge and Structures/Platform to show proposed visual modifications.

2. Within one (1) year of the receipt of funding for Project construction in this segment as described under Stipulation V(C), DRPT shall produce, or cause to be produced through the engagement of a qualified consultant, measured drawings of the existing bridge, structures and platform prior to any alterations. The drawings shall conform to the guidelines specified by the NPS as set forth in Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) Guidelines (<http://www.cr.nps.gov/hdp/standards/haerguidelines.htm>).
3. Within one (1) year of the receipt of funding for Project construction in this segment as described under Stipulation V(C) and concurrent with the measured drawings, DRPT shall engage a professional photographer with experience in preparing large-format, black-and-white, archival-quality photographic documentation for HAER and HAER-type documentation projects to complete large-format photographs of the existing Rappahannock River Railroad Bridge and Structures/Platform. Photographs shall comply with HABS/HAER Photographs Specifications and Guidelines (<http://www.cr.nps.gov/hdp/standards/HABS/photospecs.pdf>) and DHR's "Photographic Documentation for Virginia Department of Historic Resources Survey (Updated 2016). Negatives and print sizes shall be 4" x 5". Negatives and prints shall be processed, labeled, and packaged according to HABS/HAER archival standards. A list of photo captions (index to photos) and a site plan of the bridge showing the location and direction of the photographs (key to photos) shall be included.

Photographic views shall show the bridge and associated railway, structures within downtown Fredericksburg, and extant platform, as well as the surrounding landscape. Overview and detail photos of the bridge and other elements shall be provided, documenting as much as possible of the engineering and construction methods for the property including exterior elevations and detailed views of significant architectural or historical features.

4. Prior to beginning construction and within four (4) years of the receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall create, or cause to be created through the engagement of a qualified consultant, a cultural landscape study of the Rappahannock River watershed and historic transportation crossings within the City of Fredericksburg, bounded by the Blue/Grey Parkway bridge on the south and Hawke Street on the north. The cultural landscape study shall follow the Secretary of the Interior's Standards for conducting historic landscape studies as well as applicable guidance found in NPS Bulletin #18, *How to Evaluate and Nominate Designed Historic Landscapes* and other appropriate publications and guidance documents. The cultural landscape study shall include, at a minimum, completing archival research on this segment of the Rappahannock River focusing on historic images and maps of this corridor, recording historic transportation crossings in this area including bridges and ferries, and gathering spatial data on the current parameters of the waterway in this area. In addition,

the work shall document the extant railroad bridge crossing as an iconic vista in various cultural media in the twentieth century. The data shall be used to create a contextual narrative on the evolution of the waterway over time inclusive of GIS overlays and photodocumentation. The cultural landscape study shall also include copies of the measured drawings and photographs as collected during tasks II.E.2 and II.E.3 above. The ensuing cultural landscape study shall be submitted concurrently to FRA, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall disseminate final copies to FRA, Virginia SHPO, City of Fredericksburg, Central Rappahannock Regional Library, and HFFI for their collections, and to the other Consulting Parties upon written request. Full-sized copies of the measured drawings and large-format photographs will also be placed on file with the Virginia SHPO and Central Rappahannock Regional Library.

F. Bridge/Marye's Mill (Site 44SP0187), Block 49/Train Station (Site 44SP0688), and Block 48/Train Station (Site 44SP0687)

1. These three (3) sites (44SP0187, 44SP0688, and 44SP0687) are all located within three (3) adjacent blocks in downtown Fredericksburg. DRPT shall avoid, to the greatest extent possible, all three (3) sites. For the portions of the archaeological sites that cannot be avoided and where appropriate, prior to ground disturbing activities and within two (2) years of receipt of Project construction funding in this segment as described under Stipulation V(C), DRPT shall conduct an intensive pedestrian survey with mapping of all visible surface features and GIS map overlays at each site (as appropriate) followed by Phase III archaeological data recovery in areas with the potential for intact subsurface remains. The archaeological work at all three sites shall include the following components:
  - a. DRPT shall develop a separate draft data recovery plan per site for the investigations and submit the plan concurrently to FRA, Virginia SHPO, City of Fredericksburg, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). The plan shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 Fed. Reg. 44734-37, September 29, 1983) and take into account ACHP's publication, *Treatment of Archaeological Properties* (1980). Each plan shall include:
    - 1) The property, properties, or portions of properties where site-specific data recovery plans shall be carried out;
    - 2) Any property, properties, or portions of properties that will be destroyed or altered without data recovery;
    - 3) The research questions to be addressed through data recovery, with an explanation of their relevance and importance;

- 4) The methods to be used with an explanation of their relevance to the research questions;
  - 5) The methods to be used in analysis, data management, and dissemination of data, including a schedule;
  - 6) The proposed disposition of recovered materials and records;
  - 7) Proposed methods of disseminating the results of the work to interested individuals and/or organizations who have expressed an interest in the data recovery; and
  - 8) A schedule for the submission of progress reports to FRA, Virginia SHPO, the City of Fredericksburg, and other Consulting Parties, as appropriate.
- b. Upon revision of the plan and acceptance of the three (3) data recovery plans by FRA and Virginia SHPO, DRPT shall complete, or cause to be completed through the engagement of a qualified consultant, all pedestrian survey, mapping, GIS overlays, and archaeological excavation described in the recovery plan at each site. Depending on the approved data recovery plan, one (1) report containing data on all three (3) excavations may be produced, or three separate documents may be completed. In either case, the report(s) shall meet all state standards for data recovery reports and include required components. DRTP shall submit draft copies of the ensuing report concurrently to FRA, Virginia SHPO, City of Fredericksburg, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). Final copies of the report shall be disseminated to FRA, Virginia SHPO, City of Fredericksburg, Central Rappahannock Regional Library, and Library of Virginia for their collections, and to the other Consulting Parties upon written request. Final VCRIS forms and associated packets shall be given to the Virginia SHPO at this time for their archives.
2. Using the information gathered during the mapping and data recovery, within four (4) years of the receipt of Project construction funding in this segment as described under Stipulation V(C), DRPT shall produce, or cause to be produced through the engagement of a qualified consultant, a cohesive scholarly article discussing the historical and archaeological importance of these three (3) sites. FRA, DRPT, Virginia SHPO, City of Fredericksburg, and other Consulting Parties, as appropriate, shall discuss the location for submittal for publication, and the final publication submittal location shall be determined based on consensus of involved parties. DRPT shall submit the article to the agreed upon location and shall have no other obligations with respect to any actions that may be taken by the publisher once the article is submitted and accepted or declined, except that DRPT shall undertake any revisions or provide other assistance requested by the publisher if the article is accepted for publication.



3. Within three (3) years of receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall provide, or cause to be provided through the engagement of a qualified consultant, a lecture for the general public on the results of the archaeological studies on these three sites, preferably to be presented in the City of Fredericksburg. This lecture shall be advertised in the Fredericksburg area and the surrounding region.
4. Within one (1) year of completion of the new passenger facility in Fredericksburg associated with this project, DRPT shall fund the fabrication and installation of an interpretive sign near the passenger facility as part of the City of Fredericksburg's signage initiative program to disseminate information to the general public about the history of this area and the archaeological studies completed at Sites 44SP0187, 44SP0688, and 44SP0687. In consultation with FRA, Virginia SHPO, the City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign, shall be submitted to FRA, Virginia SHPO, HFFI, and other Consulting Parties, as appropriate, for review and comment, and City of Fredericksburg for review and approval, as described under Stipulation IV(B) and (C). Within six (6) months after the interpretive sign text, layout, and location are approved by City of Fredericksburg DRPT shall produce the interpretive sign and install it. The City of Fredericksburg is under no obligation to approve the interpretive sign. If the City of Fredericksburg does not approve the interpretive sign to be a part of their marker and signage program or if a suitable location for placement cannot be found, DRPT shall consult with FRA, Virginia SHPO, HFFI, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic properties to the public.
5. Within one (1) year of completion of the new passenger facility in Fredericksburg associated with this project, DRPT shall fund the fabrication and installation of a museum exhibit within the passenger facility to disseminate information to the general public about the history of this area and the archaeological studies completed at Sites 44SP0187, 44SP0688, and 44SP0687. In consultation with FRA, Virginia SHPO, the City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the exhibit. The draft text and layout shall be submitted to FRA, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). Six (6) months after finalizing the text and layout for the exhibit, DRPT shall produce and install the exhibit within the station.

G. Fredericksburg Historic District (DHR Inventory No. 111-0132)

1. Draft designs for the new parking deck in downtown Fredericksburg shall be compatible with the architectural and historic character of the surrounding historic district and meet the guidelines set forth for new construction in the Old and Historic Fredericksburg District, under the auspice of the Fredericksburg ARB. DRPT shall submit draft design plans for the new structure at the schematic, 30%, 65%, and 90% stages concurrently to FRA, Virginia SHPO, City of Fredericksburg, Fredericksburg Architectural Review Board, HFFI, and the other Consulting Parties for review and comment as described under Stipulation IV(B) and (C). The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the surrounding historic district to show proposed visual modifications.
2. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation V(C), DRPT shall create, or cause to be created, a historic context on the evolution of the rail system in downtown Fredericksburg. This includes acquiring archival data on the establishment of and modifications to the rail line between the Rappahannock River and Hazel Run. The data obtained during the research shall be compiled into a report. DRPT shall submit a draft report concurrently to FRA, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall disseminate the final report to FRA, Virginia SHPO, City of Fredericksburg, HFFI, Central Rappahannock Regional Library, and Library of Virginia, and to public libraries and historical societies for their collections; and to the other Consulting Parties, upon written request.
3. Within three (3) years of receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall provide, or cause to be provided through the engagement of a qualified consultant, a lecture for the general public on the results of the contextual study on the evolution of the railroad in Fredericksburg, preferably to be presented in the city. This lecture shall be advertised in the Fredericksburg area and the surrounding region.
4. Within three (3) years of receipt of funding for Project construction in this segment, as described under Stipulation V(C) and concurrent with the public presentation, DRPT shall consult with FRA, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, to find an appropriate website, such as the Local History page of the Central Rappahannock Regional Library, to host an abbreviated narrative on the history of the railroad in Fredericksburg, as well as details of the Project. DRPT shall request that the identified website host the contents for a minimum of two (2) years. If no website host can be identified, DRPT shall consult with FRA, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as

appropriate, to identify another means to disseminate the abbreviated narrative to the public. DRPT shall submit a draft of the webpage content concurrently to FRA, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C).

#### H. Earthwork/ Jackson's Earthwork (Site 44SP0468)

1. DRPT shall, to the extent possible, avoid Site 44SP0468. For the portions of the archaeological site that cannot be avoided, DRPT shall conduct an intensive pedestrian survey with mapping of all visible surface features and GIS map overlays followed by Phase III archaeological data recovery in areas with the potential for intact subsurface remains prior to ground disturbing activities and within two (2) years of receipt of Project construction funding in this segment as described under Stipulation V(C). The archaeological work shall include the following components:
  - a. DRPT shall develop a draft data recovery plan for the investigations and submit the plan concurrently to FRA and Virginia SHPO for review and approval, and to the property owner, NPS- Fredericksburg Division, ABPP, CWT, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). The plan shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 Fed. Reg. 44734–37, September 29, 1983) and take into account ACHP's publication, *Treatment of Archaeological Properties* (1980). The plan shall include:
    - 1) The property, properties, or portions of properties where site-specific data recovery plans shall be carried out;
    - 2) Any property, properties, or portions of properties that will be destroyed or altered without data recovery;
    - 3) The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
    - 4) The methods to be used with an explanation of their relevance to the research questions;
    - 5) The methods to be used in analysis, data management, and dissemination of data, including a schedule;
    - 6) The proposed disposition of recovered materials and records;
    - 7) Proposed methods of disseminating the results of the work to interested individuals and/or organizations who have expressed an interest in the data recovery; and

- 8) A schedule for the submission of progress reports to FRA, the Virginia SHPO, property owner, NPS- Fredericksburg Division, ABPP, CWT, and other Consulting Parties, as appropriate.
  - b. Upon revision of the plan and approval of a data recovery plan by FRA and Virginia SHPO, DRPT shall complete, or cause to be completed through the engagement of a qualified consultant, all pedestrian survey, mapping, GIS overlays, and archaeological excavation described in the recovery plan. The report shall meet all state standards for data recovery reports and include required components. DRPT shall submit draft copies of the ensuing report concurrently to FRA, Virginia SHPO, property owner, NPS- Fredericksburg Division, ABPP, CWT, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). Final copies of the report shall be disseminated to FRA, Virginia SHPO, property owner, NPS- Fredericksburg Division, ABPP, CWT, and Library of Virginia for their collections, and to other Consulting Parties upon written request. DRPT will give to the Virginia SHPO a final VCRIS form and associated packet for DHR's archives.
2. Using the information gathered during the mapping and data recovery, within four (4) years of the receipt of Project construction funding in this segment as described under Stipulation V(C), DRPT shall produce, or cause to be produced through the engagement of a qualified consultant, a scholarly article discussing the historical and archaeological importance of this site. FRA, DRPT, Virginia SHPO, NPS- Fredericksburg Division, ABPP, CWT, and other Consulting Parties, as appropriate, shall discuss the location for submittal for publication, and the final publication submittal location shall be determined based on consensus of involved parties. DRPT shall submit the article to the agreed upon location and shall have no other obligations with respect to any actions that may be taken by the publisher once the article is submitted and accepted or declined, except that DRPT shall undertake any revisions or provide other assistance requested by the publisher if the article is accepted for publication.
  3. Within one (1) year of the completion of the archaeological report, DRPT shall fund the fabrication and installation of an interpretive sign in a location deemed appropriate by the NPS- Fredericksburg Division as part of their signage initiative program to disseminate information about Civil War camps to the general public. In consultation with FRA, Virginia SHPO, NPS- Fredericksburg Division, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign shall be submitted to FRA, Virginia SHPO, and other Consulting Parties, as appropriate, for review and comment; and to NPS- Fredericksburg Division for review and approval, as described under Stipulation IV(B) and (C). Within six (6) months after the interpretive sign, the text, layout, and location are approved by NPS- Fredericksburg Division, DRPT shall produce and install the interpretive sign. NPS- Fredericksburg Division is

under no obligation to approve the signage. If the NPS- Fredericksburg Division does not approve the interpretive sign to be a part of their marker and signage program or if a suitable location for placement cannot be found, DRPT shall consult with FRA, Virginia SHPO, NPS- Fredericksburg Division, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic site to the public.

I. Doswell Historic District (DHR Inventory No. 042-5448)

1. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall complete, or cause to be completed through the engagement of a qualified consultant, a NRHP nomination form for the historic district. DRPT shall submit the draft nomination form concurrently to FRA, Hanover County, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C); and to Virginia SHPO for review and approval pursuant to the agency's established procedures and regulations for the Register Program. DRPT shall submit the final draft of the NRHP nomination to Virginia SHPO for listing to the NRHP as prescribed by the agency's established procedures and regulations for the Register Program. DRPT shall have no other obligations with respect to any actions that may be taken by Hanover County, the property owners, the Virginia SHPO, or any other entity relating to the nomination of the property to the NRHP. The Virginia Board of Historic Resources is under no obligation to approve the nomination for listing to the NRHP.
2. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation V(C) and concurrent with the NRHP nomination, DRPT shall fund the fabrication and installation of a Virginia state historical highway marker, in accordance with Va. Code Ann. §§ 10.1–2202, 10.1–2204, and 10.1–2209, which govern the State Historical Highway Markers Program, to be located within the Doswell Historic District to disseminate information about the history of Doswell to the general public. The historical highway marker shall summarize the historical significance of the Town of Doswell and the related railroad history in this area. In consultation with FRA, Virginia SHPO, Hanover County, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared, draft text for the state historical highway marker. DRPT shall submit the draft text for the state historical highway marker to the Virginia SHPO historical highway marker program for review and approval pursuant to the agency's established procedures and regulations for the State Historical Highway Markers Program; and to Hanover County and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). The Virginia SHPO shall then perform its respective role, as prescribed by the agency's established procedures and regulations for the Virginia State Historical Highway Markers Program.



The Virginia Board of Historic Resources is under no obligation, and nothing in this MOA should be construed to require the Virginia Board of Historic Resources, to approve the state historical highway marker. If the Virginia Board of Historic Resources approves the state historical highway marker, DRPT shall request that the Virginia Department of Transportation (VDOT) install the state historical highway marker within six (6) months after its approval. The VDOT is under no obligation to accept this request. If the Virginia Board of Historic Resources does not approve the state historical highway marker, DRPT shall consult with FRA, Virginia SHPO, Hanover County, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the Doswell Historic District to the public.

3. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation V(C) and concurrent with the marker, DRPT shall consult with FRA, Virginia SHPO, Hanover County, Hanover County Historical Commission, and other Consulting Parties to find an appropriate website, such as Hanover's Historic Places page of the Hanover County Historical Society's webpage (<http://www.hchs.us/places.html/>), to host an abbreviated narrative on the history of Doswell, as well as details of the Project. DRPT shall request that the identified website host the contents for a minimum of two (2) years. If no website host can be identified, DRPT shall consult with FRA, Virginia SHPO, Hanover County, and other Consulting Parties to identify another means to disseminate the abbreviated narrative to the public. DRPT shall submit a draft of the webpage content concurrently to FRA, Virginia SHPO, Hanover County, Hanover County Historical Commission, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C).

#### J. Doswell Depot and Tower (DHR Inventory No. 042-0093)

1. Within one (1) year of the receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall produce, or cause to be produced through the engagement of a qualified consultant, measured drawings of the existing depot and tower prior to any alterations. The drawings shall conform to the guidelines specified by the NPS as set forth in Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) Guidelines (<http://www.cr.nps.gov/hdp/standards/haerguidelines.htm>). Copies of the drawings will be archived at the Virginia SHPO and the Hanover County Department of Planning.
2. Within one (1) year of the receipt of funding for Project construction in this segment, as described under Stipulation V(C) and concurrent with the measured drawings, DRPT shall engage a professional photographer with experience in preparing large-format, black-and-white, archival-quality photographic documentation for HAER and HAER-type documentation projects to complete large-format photographs of the existing depot and tower. Photographs shall

comply with HABS/HAER Photographs Specifications and Guidelines (<http://www.cr.nps.gov/hdp/standards/HABS/photospecs.pdf>) and DHR's "Photographic Documentation for Virginia Department of Historic Resources Survey (Updated 2016). Negatives and print sizes shall be 4" x 5". Negatives and prints shall be processed, labeled, and packaged according to HABS/HAER archival standards. A list of photo captions (index to photos) and a site plan of the building showing the location and direction of the photographs (key to photos) shall be included.

Photographic views shall show both the depot and the tower, as well as the surrounding landscape. Overview and detail photos of the depot, tower, and other elements shall be provided, documenting as much as possible of the engineering and construction methods for the property including exterior elevations and detailed views of significant architectural or historical features. Copies of the photographs will be archived at the Virginia SHPO and the Hanover County Department of Planning.

3. Prior to construction of the Project in this area and after the measured drawings and HAER photographic documentation is completed, DRPT shall employ a qualified structural engineer with demonstrated experience working with historic properties to carefully move the tower. The tower shall be installed outside of the Project limits of disturbance using the Secretary of the Interior's Standards for Reconstruction and NPS Preservation Briefs, Technical Notes, and other relevant guidance and accepted historic preservation practices, as appropriate. DRPT shall consult on the final location of the tower with FRA, Virginia SHPO, Hanover County, property owners, and other Consulting Parties, as appropriate, prior to moving the historic building.
4. Within two (2) years of the receipt of funding for Project construction in this segment as described under Stipulation V(C), DRPT shall fund the fabrication and installation of an interpretive sign near either the depot or the moved tower as part of Hanover County's signage initiative program to disseminate information about the historic of the railroad in this area, the Project, and the process to move the tower to the general public. In consultation with FRA, Virginia SHPO, Hanover County, the property owners, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign, shall be submitted to FRA, Virginia SHPO, the property owners, and other Consulting Parties, as appropriate, for review and comment; and Hanover County for review and approval, as described under Stipulation IV(B) and (C). Within six (6) months after the interpretive sign text, layout, and location are approved by Hanover County, DRPT shall produce the interpretive sign and install it. Hanover County is under no obligation to approve the interpretive sign. If Hanover County does not approve the signage to be a part of their marker and signage program or if a suitable location for placement

cannot be found, DRPT shall consult with FRA, Virginia SHPO, Hanover County, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic properties to the public.

K. Berkleytown Historic District (DHR Inventory No. 166-5073)

1. Draft designs for the new structural overpass of Archie Cannon Road shall be compatible with the architectural and historic character of the adjacent historic district and comply with all applicable Town of Ashland design standards. DRPT shall submit draft design plans for the new structure at the schematic, 30%, 65%, and 90% stages concurrently to FRA, Virginia SHPO, Town of Ashland, Ashland Museum, and the other Consulting Parties for review and comment as described under Stipulation IV(B) and (C). The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the adjacent historic district to show proposed visual modifications.
2. Within one (1) year of the receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall complete, or cause to be completed through the engagement of a qualified consultant, two (2) oral histories of individuals with an extended tenure living and/or working within the Berkleytown Historic District and are knowledgeable of the history and evolution of the area, to include area residents, town staff, or members of the Ashland Museum, among others. Interviews shall be taped, and transcriptions of the interviews shall be submitted to FRA, Virginia SHPO, Town of Ashland, Ashland Museum, and the Library of Virginia for their collections, and the other Consulting Parties upon written request.
3. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall complete, or cause to be completed through the engagement of a qualified consultant, a NRHP nomination form for the historic district. DRPT shall submit the draft nomination form concurrently to FRA, Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C); and to the Virginia SHPO for review and approval pursuant to the agency's established procedures and regulations for the Register Program. DRPT shall submit the final draft of the NRHP nomination to Virginia SHPO for listing to the NRHP as prescribed by the agency's established procedures and regulations for the Register Program. DRPT shall have no other obligations with respect to any actions that may be taken by the Town of Ashland, the property owners, the Virginia SHPO, or any other entity relating to the nomination of the property to the NRHP. The Virginia Board of Historic Resources is under no obligation to approve the nomination for listing to the NRHP.

4. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation V(C) and concurrent with the NRHP nomination, DRPT shall fund the fabrication and installation of a Virginia state historical highway marker, in accordance with Va. Code Ann. §§ 10.1–2202, 10.1–2204, and 10.1–2209, which govern the State Historical Highway Markers Program, to be located within the Berkleytown Historic District to disseminate information about the history of Berkleytown to the general public. The historical highway marker shall summarize the historical significance of the community. In consultation with FRA, Virginia SHPO, Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared, draft text for the state historical highway marker. DRPT shall submit the draft text for the state historical highway marker to the Virginia SHPO historical highway marker program for review and approval pursuant to the agency's established procedures and regulations for the State Historical Highway Markers Program, and to the Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). The Virginia SHPO shall then perform its respective role, as prescribed by the agency's established procedures and regulations for the Virginia State Historical Highway Marker Program.

The Virginia Board of Historic Resources is under no obligation, and nothing in this MOA should be construed to require the Virginia Board of Historic Resources, to approve the state historical highway marker. If the Virginia Board of Historic Resources approves the state historical highway marker, DRPT shall request that VDOT install the state historical highway marker within six (6) months after its approval. The VDOT is under no obligation to accept this request. If the Virginia Board of Historic Resources does not approve the state historical highway marker, DRPT shall consult with FRA, Virginia SHPO, the Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the Berkleytown Historic District to the public.

5. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation V(C) and concurrent with the NRHP nomination, DRPT shall complete, or cause to be completed through the engagement of a qualified consultant, narrative text associated with a walking tour of the historic district. Text is to be completed in partnership with the Ashland Museum. DRPT shall submit the draft walking tour text concurrently to FRA, Virginia SHPO, Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall submit the final draft of the walking tour text to the Town of Ashland to use if it so chooses, and in a manner it deems appropriate. DRPT shall have no other obligations with respect to any actions that may be taken by the Town of Ashland, the Ashland Museum, the property owners, the Virginia SHPO, or any other entity relating to the walking tour.

L. Laurel Industrial School Historic District (DHR Inventory No. 043-0292) and Main Building/Robert Stiles Building (DHR Inventory No. 043-0292-0001)

1. Draft designs for the new structural overpass of Hungary Road shall be compatible with the architectural and historic character of the adjacent historic district and nearby historic properties and comply with all applicable City of Richmond design standards. DRPT shall submit draft design plans for the new structure at the schematic, 30%, 65%, and 90% stages concurrently to FRA, Virginia SHPO, Henrico County, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the adjacent historic district and nearby historic properties to show proposed visual modifications.
2. Within four (4) years of receipt of Project construction funding in this segment as described under Stipulation V(C), DRPT shall create, or cause to be created through the engagement of a qualified consultant, a historic context on late-nineteenth/early-twentieth century reform schools in Central Virginia. This includes acquiring archival data on the Laurel Industrial School Historic District and other similar institutions in central Virginia, completing an abbreviated architectural study of nearby, extant facilities that functioned in a similar capacity, and briefly identifying comparable facilities in other parts of the state for contextual analysis. The data obtained during the research shall be compiled into a report. DRPT shall submit a draft report concurrently to FRA, Virginia SHPO, Henrico County, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall disseminate the final report to FRA, Virginia SHPO, Henrico County, and Library of Virginia, and public libraries and historical societies for their collections; and to the other Consulting Parties upon written request. If appropriate, DRPT shall provide final VCRIS forms and associated packet to the Virginia SHPO at this time for their archives related to any facilities documented as part of this research that are not currently in their records.
3. As part of the contextual research completed above, DRPT shall create, or cause to be created through the engagement of a qualified consultant, a historic map and aerial study of the Laurel Industrial School Historic District and surrounding area. A series of georeferenced, GIS-based overlays shall be created to illustrate the evolution of the landscape and road system in this area. The resulting documents shall include a series of illustrations and an accompanying narrative describing the history of the road system and landscape near the intersection of Hungary Road and the railroad. DRPT shall submit a draft report concurrently to FRA, Virginia SHPO, Henrico County, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall disseminate the final report and associated digital data to FRA,



Virginia SHPO, Henrico County, and Library of Virginia, and public libraries and historical societies for their collections; and to the other Consulting Parties upon written request.

4. Within four (4) years of the receipt of funding for Project construction in this segment as described under Stipulation V(C), DRPT shall fund the fabrication and installation of an interpretive sign near the Main Building/Robert Stiles Building as part of Hanover County's signage initiative program to disseminate information about the historic of the surrounding historic district, the Main Building/Robert Stiles Building, and association of this area with the railroad to the general public. In consultation with FRA, Virginia SHPO, Henrico County, the property owner, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared, draft text and layout for the interpretive sign. The draft text and layout and proposed location for placement of the interpretive sign shall be submitted to FRA, Virginia SHPO, the property owner, and other Consulting Parties, as appropriate, for review and comment; and to Henrico County for review and approval, as described under Stipulation IV(B) and (C). Within six (6) months after the interpretive sign text, layout, and location are approved by Henrico County, DRPT shall produce the interpretive sign and install it. Henrico County is under no obligation to approve the interpretive sign. If Henrico County does not approve the interpretive sign to be a part of their marker and signage program or if a suitable location for placement cannot be found, DRPT shall consult with FRA, Virginia SHPO, Henrico County, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic properties to the public.

M. Shockoe Valley & Tobacco Row Historic District (DHR Inventory No. 127-0344)

1. Draft designs for the platform and other structural changes to Main Street Station and the surrounding rail facilities in Shockoe Bottom shall be compatible with the architectural and historic character of the surrounding historic district and meet the guidelines set forth in the City Old and Historic District, under the auspice of the Richmond Commission of Architectural Review. DRPT shall submit draft design plans for the new platform and other structural changes at the schematic, 30%, 65%, and 90% stages concurrently to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, and Consulting Parties for review and comment as described under Stipulation IV(B) and (C). The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the surrounding historic district and nearby historic properties to show proposed visual modifications.
2. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation V(C), DRPT shall create, or cause to be created through the engagement of a qualified consultant, a historic context on the

association of the RF&P railroad, the downtown Richmond segment of the Virginia Central Railroad, and other precursors of the Chesapeake and Ohio/Seaboard Railroad and the slave trade in Virginia. This includes acquiring archival data on the establishment and proliferation of the slave trade in Shockoe Bottom and associated activities between Richmond and Washington, D.C along the rail lines, as well as gathering reconnaissance-level data on any extant buildings or known archaeological sites along the rail corridor between Washington, D.C. and Richmond that have an association with the slave trade. The task shall also include community engagement and ethnographic research regarding the significance of the slave trade in Shockoe Bottom and surrounding district to the descendent community. DRPT or its consultants, as applicable, shall consult with Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, and Consulting Parties, as appropriate, to identify community members to include in such ethnographic research. The data obtained during all phases of research shall be compiled into a report and georeferenced on modern aerial maps to create a series of GIS-based overlays. DRPT shall submit a draft report concurrently to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall disseminate the final report to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, Library of Virginia, and public libraries and historical societies for their collections; and to the other Consulting Parties upon written request. The digital data obtained as part of this process shall also be disseminated to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, Library of Virginia, and to other groups who have an interest in this topic upon written request, provided that the dissemination meets the requirements set forth in the Archeological Resources Protection Act.

3. Within four (4) years of receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall provide, or cause to be provided through the engagement of a qualified consultant, a lecture for the general public on the results of the contextual study on the association of the RF&P and associated railroads and the slave trade, preferably to be presented in Richmond. The exact time and location will be determined based on consultation with Consulting Parties, with a goal of maximizing opportunities for public attendance. This lecture shall be advertised in Richmond, Fredericksburg, Alexandria, and other areas highlighted in the research.
4. Within four (4) years of funding in this segment as described in Stipulation V(C) and concurrent with the preparation of the RF&P and associated railroads and slave trade context, DRPT shall fund the fabrication and installation of a

Virginia state historical highway marker, in accordance with Va. Code Ann. §§ 10.1–2202, 10.1–2204, and 10.1–2209, which govern the State Historical Highway Markers Program, to be located near the site of Lumpkin’s Jail/Devil’s Half Acre (Site 44HE1053) to disseminate information about the site, the nearby Burial Ground for Negroes (Site 44HE1089), and the associated slave trade in this area to the general public. In consultation with FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared, draft text for the state historical highway marker. DRPT shall submit the draft text for the state historical highway marker to the Virginia SHPO historical highway marker program for review and approval pursuant to the agency’s established procedures and regulations for the State Historical Highway Markers Program; and to the City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). The Virginia SHPO shall then perform its respective role, as prescribed by the agency’s established procedures for the Virginia State Historical Highway Markers Program.

The Virginia Board of Historic Resources is under no obligation, and nothing in this MOA should be construed to require the Virginia Board of Historic Resources, to approve the state historical highway marker. If the Virginia Board of Historic Resources approves the state historical highway marker, DRPT shall request that VDOT install the state historical highway marker within six (6) months after its approval. The VDOT is under no obligation to accept this request. If the Virginia Board of Historic Resources does not approve the state historical highway marker, DRPT shall consult with FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the slave trade and associated sites of significance in this area to the public.

5. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation V(C) and concurrent with the context preparation, DRPT shall work with the City of Richmond, City of Richmond Planning and Preservation Division, Virginia SHPO, Historic Richmond Foundation, Preservation Virginia, NTHP, and Consulting Parties, as appropriate, to establish boundaries for a potential historic district (or other appropriate historic resource type) that encompasses resources associated with the slave trade in Shockoe Bottom. The geographic data shall be added to the ongoing historic district research completed by the Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, and others on file at the Virginia SHPO office. DRPT shall submit a draft boundary and any other pertinent data concurrently to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation,

Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall disseminate the final boundary and other pertinent data to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and the other Consulting Parties upon written request. The digital data obtained as part of this process will also be used to update the Virginia SHPO online site database provided that the dissemination meets the requirements set forth in the Archeological Resources Protection Act.

N. Main Street Station Parking Lot/Railroad (Site 44HE1098), Railroad Warehouse (44HE1097), and Warehouse (Site 44HE1094)

1. These three (3) sites are all located within two (2) adjacent blocks in Shockoe Bottom. DRPT shall avoid all three (3) sites (44HE1098, 44HE1097, and 44HE1094) where possible. For the portions of the archaeological sites that cannot be avoided and where appropriate, DRPT shall conduct Phase III archaeological data recovery in areas with the potential for intact subsurface remains prior to ground disturbing activities and within two (2) years of receipt of Project construction funding in this segment as described under Stipulation V(C). The archaeological work at all three (3) sites shall include the following components:
  - a. DRPT shall develop a separate draft data recovery plan per site for the investigations and submit the plan concurrently to FRA and Virginia SHPO for review and approval, and to City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). The plan shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 Fed. Reg. 44734–37, September 29, 1983) and take into account ACHP's publication, *Treatment of Archaeological Properties* (1980). Each plan shall include:
    - 1) The property, properties, or portions of properties where site-specific data recovery plans shall be carried out;
    - 2) Any property, properties, or portions of properties that will be destroyed or altered without data recovery;
    - 3) The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
    - 4) The methods to be used with an explanation of their relevance to the research questions;

- 5) The methods to be used in analysis, data management, and dissemination of data, including a schedule;
  - 6) The proposed disposition of recovered materials and records;
  - 7) Proposed methods of disseminating the results of the work to interested individuals and/or organizations who have expressed an interest in the data recovery; and
  - 8) A schedule for the submission of progress reports to FRA, Virginia SHPO, City of Richmond, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate.
- b. Upon revision of the plan and approval of the three (3) data recovery plans by FRA and Virginia SHPO, DRPT shall complete, or cause to be completed through the engagement of a qualified consultant, all GIS overlays and archaeological excavation described in the recovery plan at each site. Depending on the approved data recovery plan, one (1) report containing data on all three (3) excavations may be produced, or three (3) separate documents may be completed. In either case, the report(s) shall meet all state standards for data recovery reports and include required components. DRPT shall submit draft copies of the ensuing report concurrently to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties for review and comment as described under Stipulation IV(B) and (C). Final copies of the report shall be disseminated to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and Library of Virginia for their collections, and to other Consulting Parties upon written request. Final VCRIS forms and associated packets will be given to the Virginia SHPO at this time for their archives.
2. Using the information gathered during the mapping and data recovery, within four (4) years of the receipt of Project construction funding in this segment as described under Stipulation V(C), DRPT shall produce, or cause to be produced through the engagement of a qualified consultant, a cohesive scholarly article discussing the historical and archaeological importance of these three sites. FRA, DRPT, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, shall discuss the location for submittal for publication, and the final publication submittal location shall be determined based on consensus of involved parties. DRPT shall submit the article to the agreed upon location and shall have no other obligations with respect to any actions that may be taken by the publisher once the article is submitted and accepted or declined, except that DRPT shall undertake any revisions or provide other assistance requested by the publisher if the article is accepted for publication.

3. Within three (3) years of receipt of funding for Project construction in this segment, as described under Stipulation V(C), DRPT shall provide, or cause to be provided through the engagement of a qualified consultant, a lecture for the general public on the results of the archaeological studies on these three (3) sites, preferably to be presented in the City of Richmond. This lecture shall be advertised in the Richmond area and the surrounding region.
4. Within three (3) years of the receipt of funding for Project construction in this segment as described under Stipulation V(C), DRPT shall fund the fabrication and installation of an interpretive sign within or near Main Street Station as part of station's interior design or exterior landscaping to disseminate information about the history of this area and the archaeological studies completed at Sites 44HE1098, 44HE1097, and 44HE1094 to the general public. In consultation with FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, property owner, and other Consulting Parties, as appropriate, DRPT shall prepare, or cause to be prepared, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign shall be submitted to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment; and owners and managers of Main Street Station for review and approval, as described under Stipulation IV(B) and (C). Within six (6) months after the interpretive sign text, layout, and location are approved by the owners and managers of Main Street Station DRPT shall produce the interpretive sign and install it. The owners and managers of Main Street Station are under no obligation to approve the interpretive sign. If the owners and managers of Main Street Station do not approve the signage to be a part of their facility or if a suitable location for placement cannot be found, DRPT shall consult with FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic properties to the public.

O. Main Street Station and Trainshed (DHR Inventory No. 127-0172)

1. Draft designs for platform modifications to Main Street Station and Trainshed shall be compatible with the architectural and historic character of the building and nearby historic properties and meet the guidelines set forth in the City Old and Historic District, under the auspice of the Richmond Commission of Architectural Review. DRPT shall submit draft design plans for modifications at the schematic, 30%, 65%, and 90% stages concurrently to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as



appropriate, for review and comment as described under Stipulation IV(B) and (C). The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed platform structure design in relation to the building and nearby historic properties to show proposed visual modifications.

2. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation V(C), DRPT shall create, or cause to be created through the engagement of a qualified consultant, a historic context on the evolution of the rail system in downtown Richmond. This includes acquiring archival data on the establishment of and modifications to the earliest rail lines in the city, development of the RF&P rail line and other nineteenth-century rail lines downtown, creation of the Atlantic Coast Line Railroad and the Seaboard Air Line Railroad, and the physical impacts of the different lines on downtown Richmond, including buildings, structures, and landscapes that represent this evolution. The data obtained during the research shall be compiled into a report. DRPT shall submit a draft report concurrently to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall disseminate the final report to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and Library of Virginia, and public libraries and historical societies for their collections; and to the other Consulting Parties upon written request.
3. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation V(C) and upon completion of the context, DRPT shall create, or cause to be created through the engagement of a qualified consultant, an abbreviated narrative on the history of the railroad in Richmond with accompanying visuals, as well as details of the Project, and post the document on a webpage deemed appropriate for the subject matter, such as the Online Exhibits page of the Valentine Museum's webpage (<https://thevalentine.org/exhibitions/online/>). The data can be uploaded as a stand-alone webpage or as a downloadable .pdf. The data shall remain on their webpage for a minimum of two (2) years. DRPT shall submit a draft of the webpage content concurrently to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, The Valentine, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall disseminate the final webpage to The Valentine for their placement on the webpage. The Valentine is under no obligation to approve the webpage. If the Valentine does not approve the webpage content to be a part of their digital programming, DRPT shall consult with FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other

Consulting Parties, as appropriate, to determine an appropriate method to disseminate this data to the public.

P. Seaboard Air Line Railroad Corridor (DHR Inventory No. 127-6271)

1. Draft designs for modifications to contributing resources to the Seaboard Air Line Railroad Corridor shall be compatible with the architectural and historic character of the rail corridor and any applicable design standards for their respective localities. DRPT shall submit draft design plans for modifications at the schematic, 30%, 65%, and 90% stages concurrently to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the building and nearby historic properties to show proposed visual modifications.
2. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation (C), DRPT shall create, or cause to be created through the engagement of a qualified consultant, a historic context on railroad depots and associated facilities along the Seaboard Air Line Railroad in Virginia. This includes acquiring archival data on the history of past and present historic buildings developed as part of the Seaboard Air Line Railroad system between Richmond and the North Carolina state line.

As part of this contextual study, DRPT shall document, or cause to be documented through the engagement of a qualified consultant, all stations and towers that are contributing elements to the Seaboard Air Line Railroad that have not been previously recorded with the Virginia SHPO. The DRPT shall prepare, or cause to be prepared, photographic documentation of each structure consistent with guidance found in “Photographic Documentation for National Park Service Basic Survey” and DHR’s “Photographic Documentation for Virginia Department of Historic Resources (DHR) Survey” (Updated 2016); and complete a Virginia SHPO Intensive Level Survey form for each recorded depot and tower in the Virginia SHPO’s VCRIS system.

The data obtained during the contextual research and architectural study shall be documented in a written report. DRPT shall submit a draft report concurrently to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, and the other Consulting Parties, as appropriate, for review and comment as described under Stipulation IV(B) and (C). DRPT shall disseminate the final report to FRA, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond

Foundation, Preservation Virginia, NTHP, Virginia Museum of History & Culture, Library of Virginia, and public libraries and historical societies for their collections; and to the other Consulting Parties, upon written request. Final VCRIS forms and associated packets shall be given to the Virginia SHPO at this time for their archives.

### **III. PROFESSIONAL QUALIFICATIONS**

- A. All cultural resource work carried out pursuant to this MOA shall be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the Secretary of the Interior's Professional Qualifications Standards for Preservation Professionals (48 Fed. Reg. 44738–44739 (September 29, 1983)).
- B. In preparing all archaeological studies resulting from this MOA, the preparer shall take into account ACHP's publications, *Section 106 Archaeology Guidance* (2009) and *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999) as well as state-specific archaeological guidelines on best practice and procedure, as applicable.
- C. In preparing all architectural studies resulting from this MOA, the preparer shall take into account guidelines on specific architectural projects issued by the U.S. Department of the Interior/National Park Service (such as the Bulletin entitled *How To Complete the National Register Registration Form*) and state-specific guidelines on best practices and procedures, as applicable.

### **IV. PREPARATION AND REVIEW OF DOCUMENTS**

- A. All studies, technical reports, and treatment plans prepared pursuant to this MOA shall be consistent with pertinent standards and guidelines including, as applicable, *The Secretary's Standards and Guidelines for Historical Documentation* (48 Fed. Reg. 44728-30), *The Secretary's Standards and Guidelines for Architectural and Engineering Documentation* (48 Fed. Reg. 44730-34), *Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 Fed. Reg. 44716-44742, September 29, 1983), ACHP's *Treatment of Archaeological Properties: A Handbook*, ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites* (1999), and the Virginia SHPO's *Guidelines for Conducting Historic Resources Survey in Virginia* (October 2017), or subsequent revisions or replacements to these documents and are in accordance with 36 C.F.R. § 800.11(d) and (e) per the SEHSR PA Stipulation IV.
- B. DRPT shall provide the Virginia SHPO two (2) copies (one [1] bound archival hard copies and one [1] in Portable Document Format (PDF) on compact disc or other electronic format that is acceptable to DRPT and Virginia SHPO) of all draft and final reports prepared pursuant to this MOA. DRPT shall also provide a hardcopy of any draft and final report to the Consulting Parties to this MOA unless a Consulting Party requests the material in another format acceptable to DRPT. The requesting

Consulting Party must submit such requests to DRPT in writing. DRPT shall provide a hardcopy of all final reports to all non-Consulting Party recipients as identified in the stipulations above.

- C. The Virginia SHPO and the other Consulting Parties agree to provide comments on all Project plans, technical reports, treatment plans, and other documentation arising from this MOA to DRPT within thirty (30) calendar days of receipt of complete information. If DRPT does not receive comments from the Virginia SHPO or the other Consulting Parties within the thirty (30) calendar-day review period, DRPT may assume that the non-responding party has no comments. DRPT shall ensure that all comments received within the thirty (30) calendar-day review period are addressed in the final product.
- D. Notwithstanding any other commitments herein to distribute documentation to FRA, DRPT shall provide FRA with a final copy of any Project plans, technical reports, treatment plans, and other documentation arising under this MOA once it has been agreed upon by Virginia SHPO and DRPT and any relevant Consulting Parties. All submissions to FRA should be in electronic format unless electronic format is not feasible or practical.

## **V. ANTI-DEFICIENCY ACT AND APPROPRIATIONS**

- A. All requirements set forth in this MOA requiring the expenditure of Federal Government funds are expressly subject to the availability of appropriated funds. Nothing in this MOA shall be interpreted to establish obligations or require payments in violation of the Anti-Deficiency Act (31 U.S.C. § 1341). DRPT shall notify the Signatories and Consulting Parties when it has acquired the funding for the Project, including funding for any phase of the project, as contemplated in Stipulation V(C).
- B. All requirements set forth in this MOA requiring the expenditure of Commonwealth of Virginia funds are expressly subject to the appropriation of funds by the Virginia General Assembly, and, if applicable, the allocation of funds by the Commonwealth Transportation Board.
- C. Funding sources for construction of the Project have not yet been determined. It is expected that there will be a mix of federal, state and local funding. There is a potential for funding to be available in phases. The mitigation measures for the treatment of adversely affected historic properties described in Stipulation II will apply as funding is obtained for the Project phase where each resource is physically located. There is no obligation to implement the mitigation measures identified in Stipulation II prior to receipt of funding.
- D. DRPT is responsible for the successful completion and funding of any mitigation measures pursuant to Stipulation II.

## VI. UNEXPECTED DISCOVERIES AND IMPACTS

- A. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the APE, but outside of the boundaries of an archaeological site that has been determined to be not eligible for the NRHP in its entirety, DRPT shall immediately halt all construction work within one-hundred (100) feet of the discovery and in the surrounding area where further subsurface resources can reasonably be expected to occur and immediately notify FRA and the Virginia SHPO of the discovery. In the case of potentially prehistoric or historic Native American sites, FRA shall also notify federally recognized Indian tribes with interest and DRPT shall notify appropriate federally recognized Indian tribes and/or Virginia Indian tribes within two (2) working days of the discovery. Notification of completion of activities shall be done in accordance with Stipulation IV pending Virginia SHPO approval of the action.
- B. DRPT shall ensure that an archaeologist meeting the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44739) investigates the work site and the resource within seven (7) days, and then DRPT shall forward to FRA, the Virginia SHPO, the other Consulting Parties and, if necessary, the federally recognized Indian tribes with an interest in the area and appropriate Virginia Indian tribes, an assessment of the NRHP eligibility of the resource (36 C.F.R pt. 60.4), determination of project effect, and proposed treatment actions to resolve any adverse effects on historic properties. The Virginia SHPO, the other Consulting Parties and, if participating, the federally recognized Indian tribes and the Virginia Indian tribes, shall respond within five (5) working days of receipt of DRPT's assessment of NRHP eligibility of the resource and proposed action plan. DRPT, in coordination with FRA, shall take into account the recommendations of the Virginia SHPO, the other Consulting Parties and, if participating, the federally recognized Indian tribes and the Virginia Indian tribes regarding NRHP eligibility of the resource and the proposed action plan, and then carry out the appropriate actions.
- C. In the event that above-ground historic properties within the APE, but not among the 21 adversely effected historic properties listed in this MOA, are inadvertently affected during construction, DRPT shall immediately halt all construction work within fifty (50) feet of the impacted historic property and in the surrounding area, and immediately notify FRA the Virginia SHPO, and the other Consulting Parties of the issue.
- D. DRPT shall ensure that an architectural historian or historic architect meeting the *Secretary of the Interior's Professional Qualification Standards* (48 Fed. Reg. 44739) investigates the work site and the historic property within seven (7) days, and then DRPT shall forward to FRA, the Virginia SHPO, and the other Consulting Parties an assessment of effect to the historic property and proposed treatment actions to resolve any adverse effects on historic properties. The Virginia SHPO and the other Consulting Parties shall respond within five (5) working days of receipt of DRPT's assessment of effect and proposed treatment actions. DRPT, in consultation with FRA, shall take into account the comments and recommendations of the

Virginia SHPO and the other Consulting Parties regarding the assessment of effect and the proposed treatment actions, and then carry out the treatment actions.

- E. DRPT shall ensure that ground disturbing activities within the affected area do not proceed until the appropriate treatment measures are developed and implemented or a determination of ineligibility is made.

## **VII. HUMAN REMAINS**

DRPT shall ensure that human skeletal remains and associated funerary objects encountered during the course of actions taken as a result of this MOA shall be treated in accordance with the Regulations Governing Permits for the Archaeological Removal of Human Remains (Virginia NRHP 390–01–02) found in Va. Code Ann. §§ 10.1–2305, *et seq.*, the Virginia Antiquities Act as well as ACHP’s “Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects” adopted on February 23, 2007. DRPT shall obtain a permit from the Virginia SHPO for the removal of human remains in accordance with the regulations stated above, as appropriate.

## **VIII. USE OF MOA BY OTHER FEDERAL AGENCIES**

In the event that a Federal agency other than FRA is considering funding, permits, licenses, or approvals for the Project, such Federal agency may become a signatory to this MOA as a means of complying with its responsibilities under Section 106 for its undertaking relating to the Project. To become a signatory to this MOA, the agency official must provide written notice to the Signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency’s intent to participate in the MOA. The participation of the agency is subject to approval by the Signatories, who must respond to the written notice within thirty (30) days or the approval will be considered implicit. Any necessary amendments to the MOA as a result will be considered in accordance with Stipulation X.

## **IX. DISPUTE RESOLUTION**

- A. Should any Signatory, Consulting Party, or member of the public object in writing to FRA regarding any action carried out or proposed with respect to any undertakings covered by this MOA, or to the implementation of this MOA, FRA shall notify the other Signatories of the objection and consult with the objecting party to attempt to resolve the objection within thirty (30) days of receipt of the written objection.
- B. If after initiating such consultation, FRA determines within the thirty (30) day period in subparagraph (A) of this Stipulation IX that the objection cannot be resolved through consultation with the objecting party, FRA shall then consult with all Signatories to resolve the objection. If the objection still cannot be resolved within thirty (30) days of all Signatories being advised of the objection and so consulted, FRA shall then forward all documentation relevant to the objection to ACHP, including a proposed response to the objection, and request ACHP’s comment on the objection as described in subsection (C) of this Stipulation IX.



C. When forwarding relevant documentation and a proposed response to ACHP, FRA shall request that within thirty (30) days after receipt ACHP exercise one of the following options:

1. Advise FRA that ACHP concurs with FRA's proposed response to the objection, whereupon the FRA shall respond to the objecting party accordingly; or
2. Provide FRA with one (1) or more ACHP recommendations for resolving the objection, which FRA shall take into account in reaching a final decision regarding its response to the objection, which it shall render within ten (10) days of receiving ACHP's recommendation(s).

D. Should ACHP not exercise one (1) of the above options within thirty (30) days after receipt of all pertinent documentation and proposed response, FRA may make a final decision on the dispute and proceed accordingly.

E. FRA shall take into account any ACHP recommendation provided in accordance with this Stipulation IX with reference only to the subject of the objection. FRA's responsibility to carry out all other actions under this MOA that are not the subject of an objection made pursuant to this Stipulation IX shall remain unchanged.

F. At any time during implementation of the measures stipulated in this MOA should an objection pertaining to this MOA be raised by a member of the public, FRA shall notify the Signatories to this MOA and take the objection into account, consulting with the objector and with the Signatories to this MOA in an effort to resolve the objection to follow the SEHSR PA Stipulation XI (B).

## **X. AMENDMENTS**

Any Signatory to this MOA may propose to FRA that the MOA be amended, whereupon FRA shall consult with the other Signatories to consider such an amendment. All Signatories to the MOA must agree to the proposed amendment in accordance with 36 C.F.R. § 800.6(c)(7).

## **XI. TERMINATION**

- A. If any Signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation X, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories. Once the MOA is terminated, and prior to work continuing on the undertaking, FRA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36

CFR § 800.7. FRA shall notify the signatories as to the course of action it will pursue.

- B. If FRA and DRPT decide they shall not proceed with the Project, they shall so notify the other Signatories and Consulting Parties in writing, and this MOA shall become null and void.
- C. If FRA, DRPT, Virginia SHPO, or ACHP determines that they cannot implement the terms of this MOA, or if the Virginia SHPO or ACHP determines that this MOA is not being properly implemented, FRA and DRPT jointly, or the Virginia SHPO or ACHP individually, may propose to the other parties that this MOA be amended or terminated.
- D. Termination shall include the submission of a technical letter report to the Virginia SHPO by DRPT, in coordination with FRA, on any work done up to and including the date of termination. DRPT shall ensure that any associated collections and records recovered are curated in accordance with state guidelines.

## **XI. EFFECTIVE DATE**

This MOA shall be effective as of the date of the last signature of the Signatories.

## **XII. DURATION**

This MOA shall continue in full force and effect for fifteen (15) years after the effective date. At any time in the six (6)-month period prior to the expiration of that initial term, the Signatories may consult to consider extending or modifying this MOA. No extension or modification shall be effective unless all Signatories to the MOA have agreed to it in writing. Any extension or modification of this MOA shall be in accordance with Stipulation X.

## **XIII. NO WAIVER OF SOVEREIGN IMMUNITY**

Nothing in this MOA shall be deemed a waiver of a Signatory's sovereign immunity.

## **XIV. EXECUTION**

This MOA may be executed in counterpart. FRA shall ensure that each of the Signatories is provided a copy of the executed MOA.

Execution of this MOA by FRA, ACHP, DRPT, and the Virginia SHPO, and its submission to ACHP pursuant to 36 C.F.R § 800.6(c), is evidence that FRA has afforded ACHP an opportunity to comment on the proposed Project and its effects on historic properties, and that FRA has taken into account the effects of the Project on historic properties.

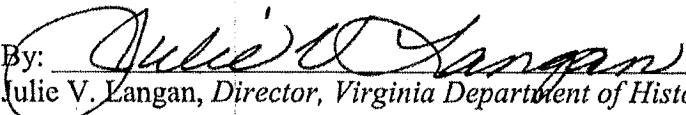
**MEMORANDUM OF AGREEMENT  
AMONG THE VIRGINIA HISTORIC PRESERVATION OFFICE,  
THE FEDERAL RAILROAD ADMINISTRATION, ADVISORY COUNCIL OF  
HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT  
OF RAIL AND PUBLIC TRANSPORTATION  
REGARDING THE WASHINGTON, D.C. TO RICHMOND, VIRGINIA  
SOUTHEAST HIGH SPEED RAIL PROJECT**

FEDERAL RAILROAD ADMINISTRATION

By: Marlys Osterhues Date: 7/9/2019  
Marlys Osterhues, *Division Chief*  
Environment and Corridor Planning Divisions


**MEMORANDUM OF AGREEMENT  
AMONG THE VIRGINIA HISTORIC PRESERVATION OFFICE,  
THE FEDERAL RAILROAD ADMINISTRATION, ADVISORY COUNCIL OF  
HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT  
OF RAIL AND PUBLIC TRANSPORTATION  
REGARDING THE WASHINGTON, D.C. TO RICHMOND, VIRGINIA  
SOUTHEAST HIGH SPEED RAIL PROJECT**

VIRGINIA STATE HISTORIC PRESERVATION OFFICE

By:  Date: 7/9/19  
Julie V. Langan, Director, Virginia Department of Historic Resources

**MEMORANDUM OF AGREEMENT  
AMONG THE VIRGINIA HISTORIC PRESERVATION OFFICE,  
THE FEDERAL RAILROAD ADMINISTRATION, ADVISORY COUNCIL OF  
HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT  
OF RAIL AND PUBLIC TRANSPORTATION  
REGARDING THE WASHINGTON, D.C. TO RICHMOND, VIRGINIA  
SOUTHEAST HIGH SPEED RAIL PROJECT**

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 7/16/19  
John M. Fowler, *Executive Director*






**MEMORANDUM OF AGREEMENT  
AMONG THE VIRGINIA HISTORIC PRESERVATION OFFICE,  
THE FEDERAL RAILROAD ADMINISTRATION, ADVISORY COUNCIL OF  
HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT  
OF RAIL AND PUBLIC TRANSPORTATION  
REGARDING THE WASHINGTON, D.C. TO RICHMOND, VIRGINIA  
SOUTHEAST HIGH SPEED RAIL PROJECT**






VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION






By: Jennifer F. Mitchell Date: 7/3/19  
Jennifer Mitchell, *Director*









**Table 1: Summary of Mitigation Per Adversely Effected Historic Property (Listed North to South).**

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscap Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Richmond, Fredericksburg and Potomac Railroad (500- 0001)				X							X			Web-based Story Map on 120 Historic Properties
RF&P Bridge over Occoquan River (500-0001- 0022)							X						X	
Rippon Lodge (076-0023)			X		X								X	Assist with Vegetative Removal/ Underbrush Clearing to Restore Viewshed
Site 44ST1223- Civil War Campsite			X			X		X				X		
Rappahannock River Railroad Bridge & Structures/ Platform (111- 0132-0025)					X		X						X	

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscp Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Site 44SP0187- Bridge/Marye's Mill			X			X		X		X		X		Artifact Display in New Rail Station
Fredericksburg Historic District (111-0132)									X	X		X	X	Context of RR History in Fredericks- burg
Site 44SP0688- Block 49/Train Station			X					X		X		X		Artifact Display in New Rail Station
Site 44SP0687- Block 48/Train Station			X					X		X		X		Artifact Display in New Rail Station
Site 44SP0468- Earthwork/ Jackson's Earthwork			X			X		X				X		

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscp Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Doswell Historic District (042-5448)		X	X						X					
Doswell Depot and Tower (042-0093)			X				X							Move Tower
Berkleystown Historic District (166-5073)		X	X								X		X	Aid in Text for Walking Tour of District
Laurel Industrial School Historic District (043-0292)			X			X							X	
Main Building/ Robert Stiles Building (043-0292-0001)			X										X	Context on Reform Schools in Central VA

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscp Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Shockoe Valley & Tobacco Row Historic District (127-0344)			X			X				X	X (research & interviews with descendent comm'y)		X	Context on VA RR & Slave Trade; Boundary Delineation for Slave Trade MPD
Site 44HE1098- Main Street Station Parking Lot/Railroad			X					X		X		X		
Site 44HE1097- Railroad, Warehouse			X					X		X		X		
Main Street Station and Trainshed (127-0172)									X				X	Context on RR history of Richmond
Seaboard Air Line Railroad Corridor (127- 6271)				X									X	Context on SAL Stations in VA

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscp Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Site 44HE1094- Warehouse			<b>X</b>					<b>X</b>		<b>X</b>		<b>X</b>		

## **APPENDIX A: List of Cultural Resource Reports Completed on the DC2RVA Project Area**

### **Archaeological Sites/Resources (in publication order)**

Klein, Mike, Emily Calhoun, Marco González, and Earl E. Proper

2015 *Archaeological Background Review and Predictive Model for the Washington, D.C. to Richmond, Virginia, Southeast High Speed Rail Corridor*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

McCloskey, Kevin, Earl Proper, Curtis McCoy, Emily Calhoun, Morgan MacKenzie, and Joseph Blondino

2016 *Phase IB Archaeological Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Rosslyn to Alexandria (ROAF) through Buckingham Branch/Hospital Wye (BBHW) Segments*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

McCloskey, Kevin, Emily Calhoun, Kerry González, and Mike Klein

2018 *Phase IB Archaeological Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Preferred Alternative Limits of Disturbance*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

### **Buildings, Structures, Objects, and Districts (in publication order)**

Staton, Heather Dollins, and Adriana Lesiuk

2015 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Dahlgren Junction to Fredericksburg (DJFB) Segment, City of Fredericksburg and Stafford County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Staton, Heather Dollins, Adriana Lesiuk, and M. Chris Manning

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Arkendale to Dahlgren Junction (ARDJ) Segment Stafford County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Staton, Heather D., Adriana T. Lesiuk, and Emily K. Anderson

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Rosslyn to Alexandria (ROAF) Segment Arlington County and the City of Alexandria*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Staton, Heather Dollins, Adriana T. Lesiuk, Emily K. Anderson, and Earl P. Proper  
2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Alexandria to Franconia (AFFR) Segment City of Alexandria and Fairfax County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Manning, M. Chris, Earl Proper, Adriana Lesiuk, and Heather Dollins Staton  
2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Franconia to Lorton (FRLO) Segment Fairfax County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Staton, Heather Dollins, M. Chris Manning, and Adriana Lesiuk  
2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Lorton to Powells Creek (LOPC) Segment Prince William and Fairfax Counties*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Anderson, Emily K., and Heather D. Staton  
2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Fredericksburg to Hamilton (FBHA) and Hamilton to Crossroads (HAXR) Segments, Spotsylvania County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Manning, M. Chris, and Michelle Salvato  
2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Crossroads to Guinea (XRGU), Guinea to Milford (GUMD), and Milford to North Doswell (MDND) Segments Spotsylvania, Caroline, and Hanover Counties*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Lesiuk, Adriana T., and M. Chris Manning  
2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Elmont to Greendale (ELGN) Segment, Hanover and Henrico Counties*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Sylvester, Caitlin C., and Heather D. Staton  
2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Greendale to SAY/WAY (GNSA), SAY/WAY to AM Jct (SAAM) and Buckingham Branch/Hospital Wye (BBHW) Segments, Henrico County and City of Richmond*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.



Anderson, Emily K., and Heather D. Staton

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project AM Jct to Centralia - S Line (AMCE) and AM Jct to Fulton Yard (AMFY) Segments, City of Richmond and Chesterfield County.* DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Lesiuk, Adriana T., and Heather D. Station

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project WAY to Centralia – A Line (WACE) Segment, Chesterfield County and City of Richmond.* DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Peckler, Danae

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project North Doswell to Elmont (NDEL) Segment, Hanover County.* DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Chase, Kristine A.

2017 *Architectural Reconnaissance Survey of Structures for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Rosslyn to Alexandria (ROAF) through Buckingham Branch/Hospital Wye (BBHW) Segments.* DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Moss, Adriana T., and Kerri S. Barile

2018 *Addendum: Architectural Reconnaissance Survey of the LOD Expansion Area for the Washington, D.C. to Richmond, High Speed Rail Project, Arlington, Caroline, Chesterfield, Hanover, Henrico, Fairfax, Prince William, Stafford, and Spotsylvania Counties and the Cities of Alexandria, Fredericksburg, and Richmond, Virginia.* DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Barile, Kerri S., Kristine A. Chase, Sean Maroney, Adriana T. Moss, Danae Peckler, and Heather Dollins Staton

2018 *Architectural Intensive Investigations for the Washington, D.C. to Richmond Southeast High Speed Rail (DC2RVA) Project (Report A).* DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Barile, Kerri S., Melissa Butler, Adriana T. Moss, Danae Peckler, Heather Dollins Staton, Caitlin Sylvester, and Lenora Wiggs

2018 *Architectural Intensive Investigations for the Washington, D.C. to Richmond Southeast High Speed Rail (DC2RVA) Project (Report B).* DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Barile, Kerri S., Melissa Butler, Adriana T. Moss, Heather Dollins Staton, Caitlin Sylvester, and Lenora Wiggs

2018 *Architectural Intensive Investigations for the Washington, D.C. to Richmond Southeast High Speed Rail (DC2RVA) Project (Report C)*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

**Combined Cultural Resources/Reconnaissance Studies (in publication order)**

Staton, Heather Dollins, and Earl E. Proper

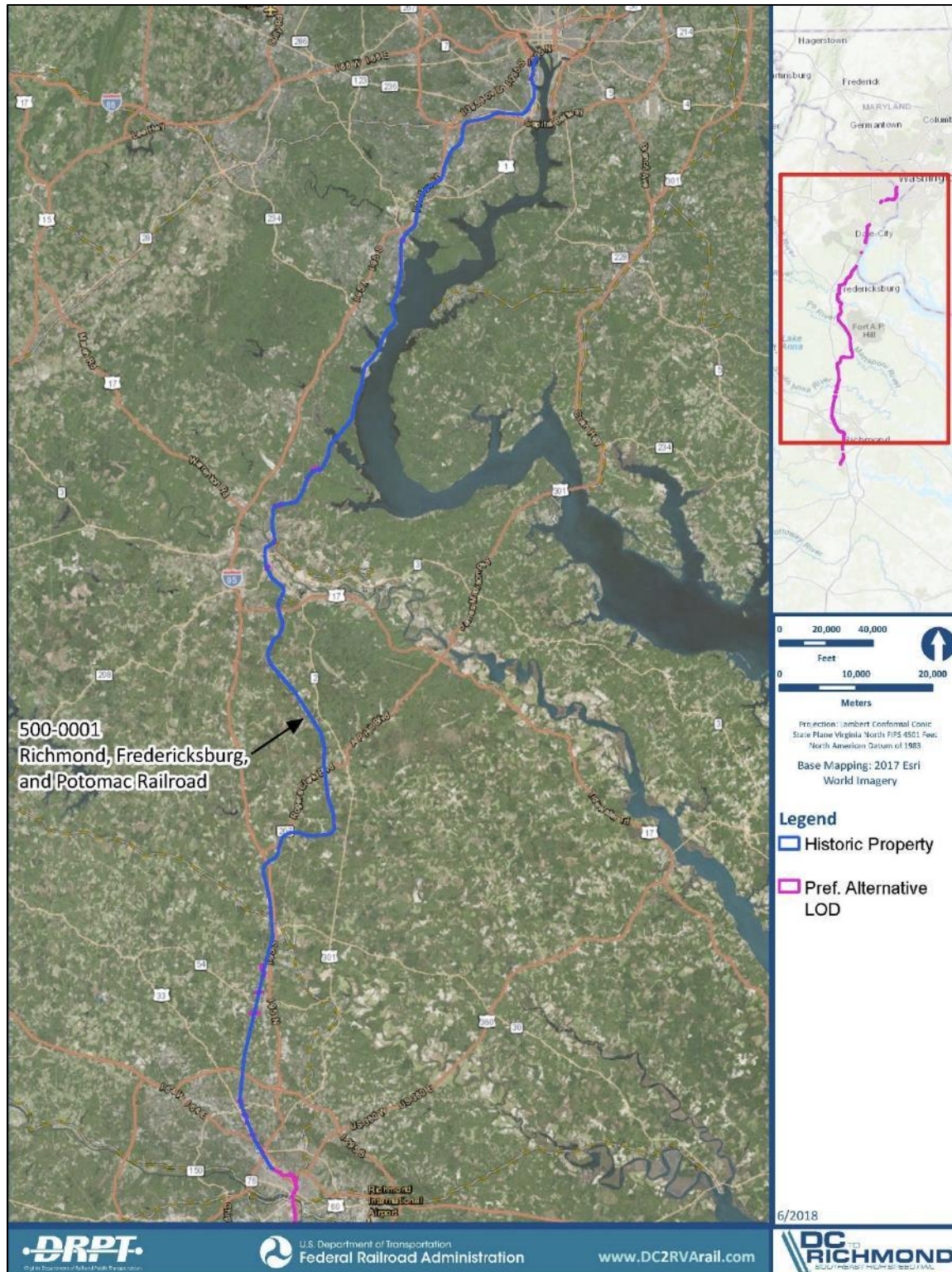
2016 *Archaeological and Architectural Phase IA Study for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Ashland Bypass (ASBP) Segment, Hanover County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Staton, Heather Dollins, D. Brad Hatch, and Emily Calhoun

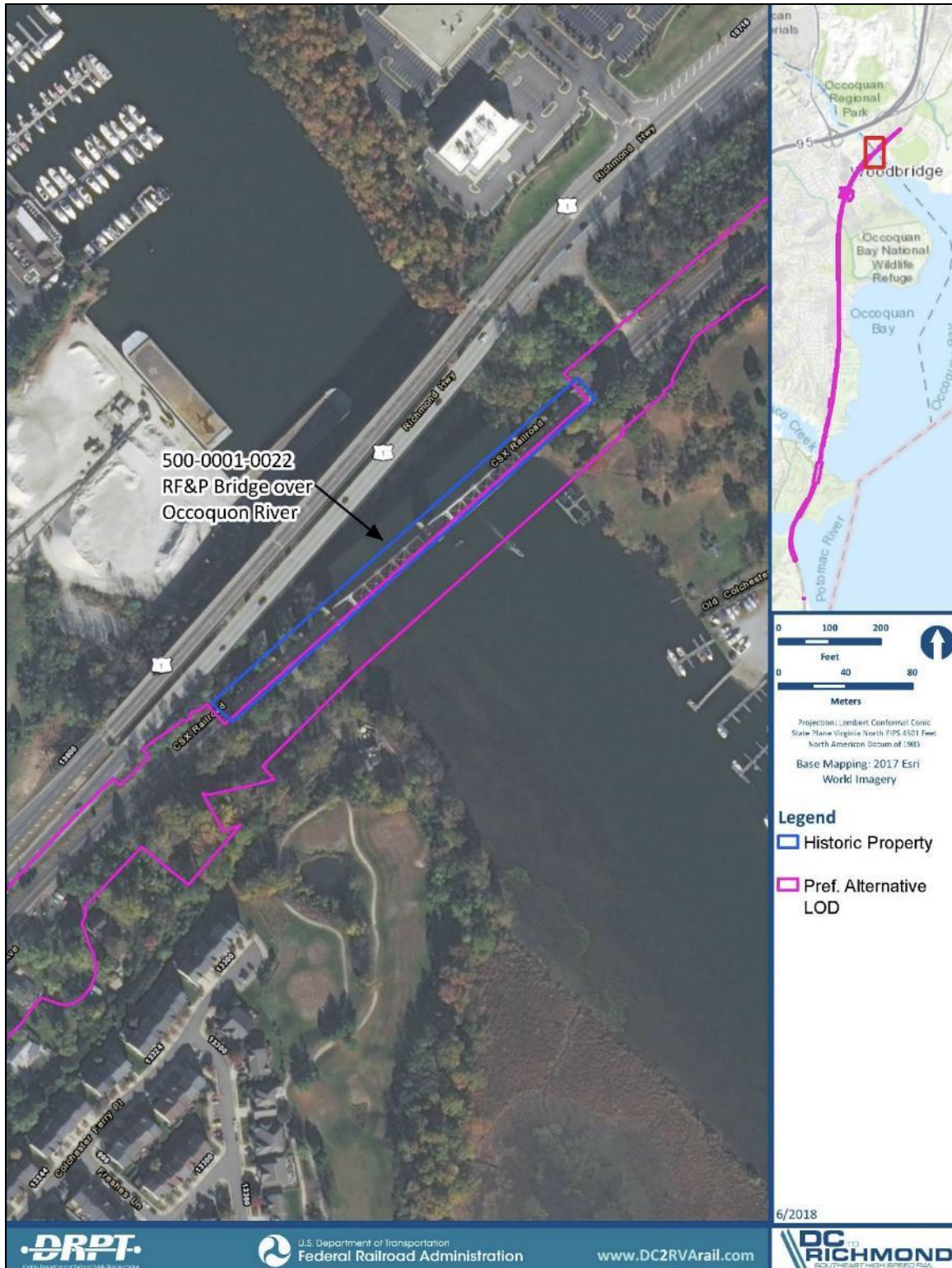
2017 *Archaeological and Architectural Phase IA Study for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Fredericksburg Bypass (FBBP) Segment, Stafford, Caroline, and Spotsylvania Counties*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

## APPENDIX B: Location of 21 Adversely Effected Properties (North to South)

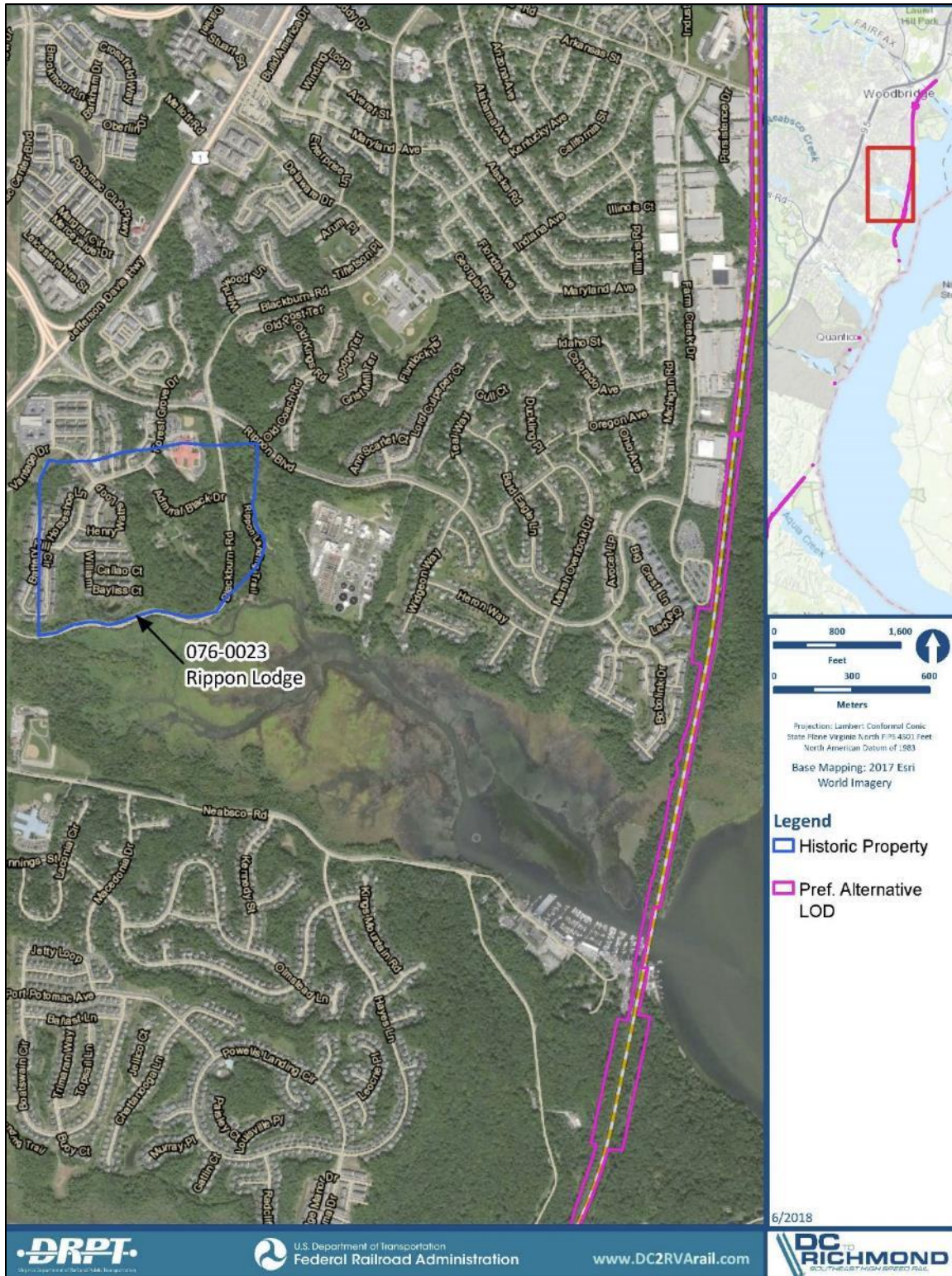
*Maps are not for public distribution per the  
Archeological Resources Protection Act of 1979.*



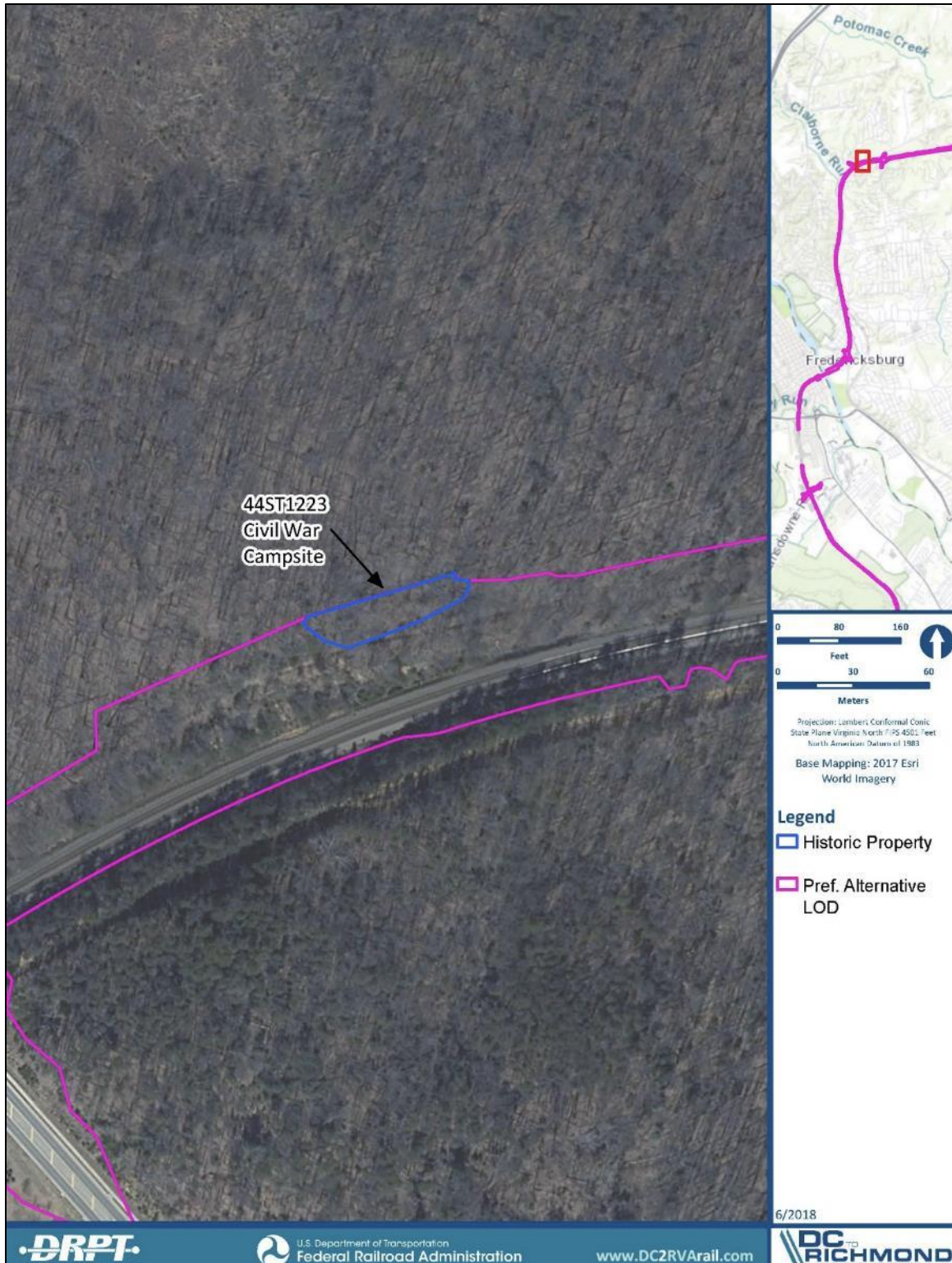




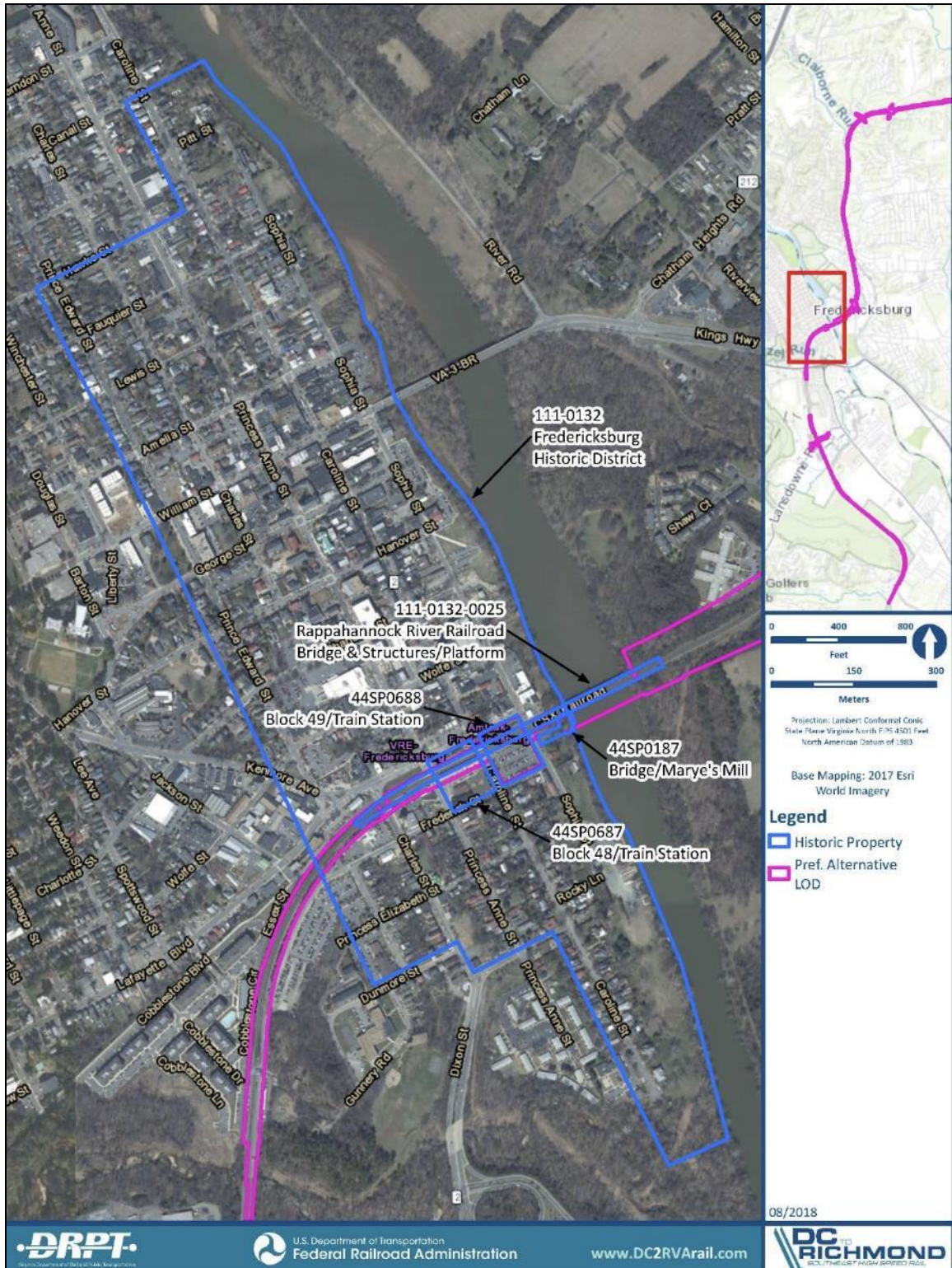




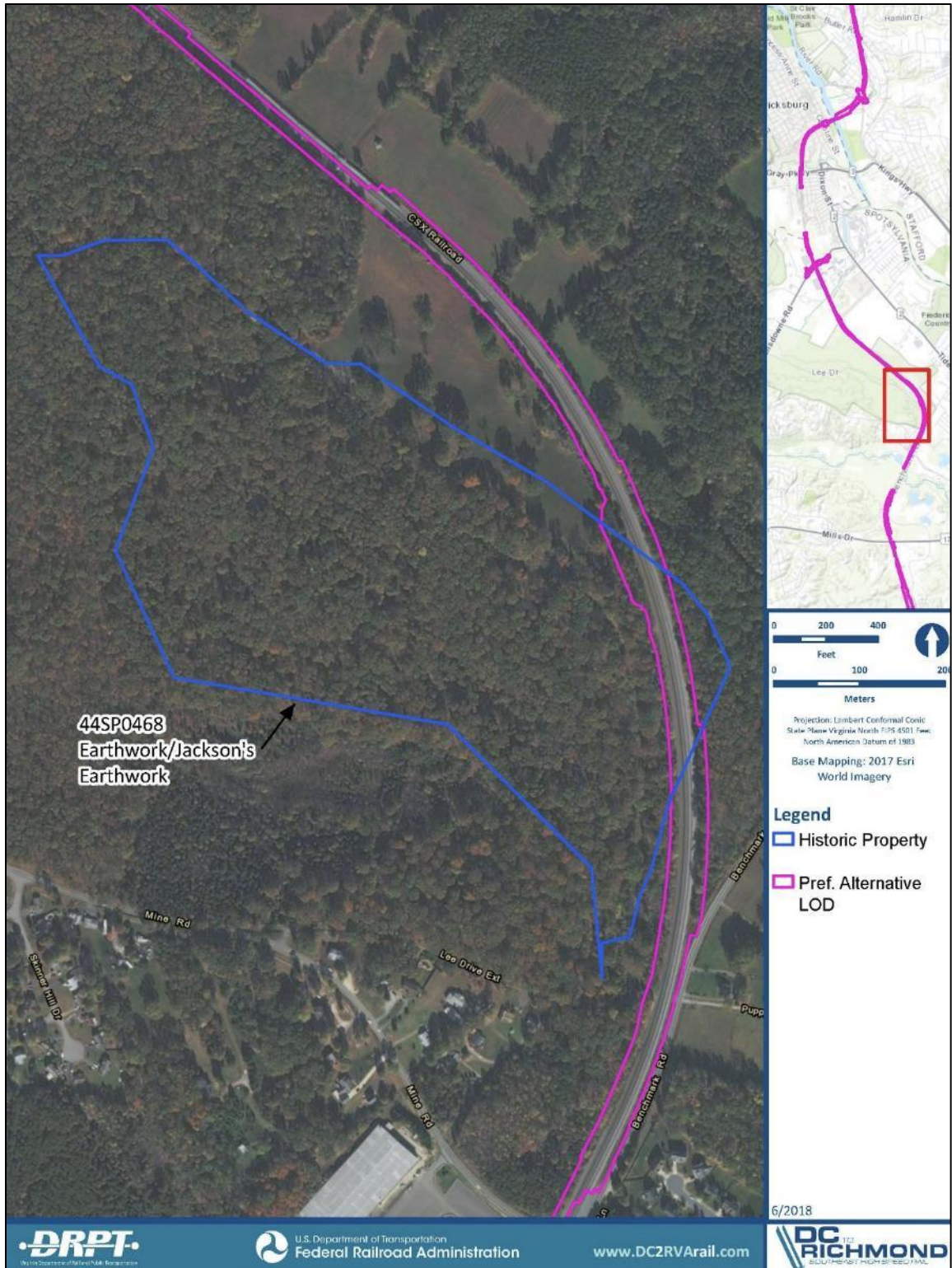


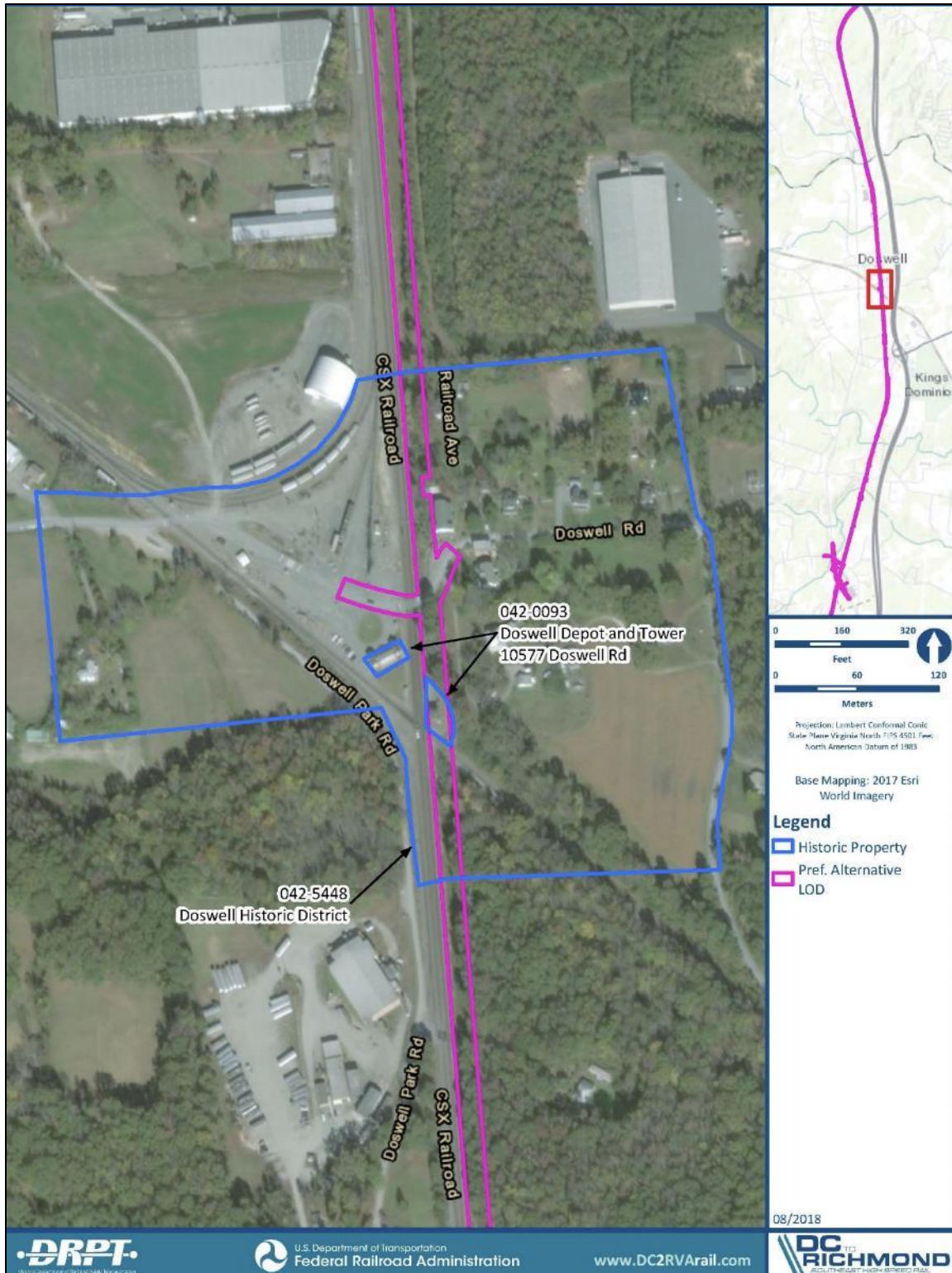




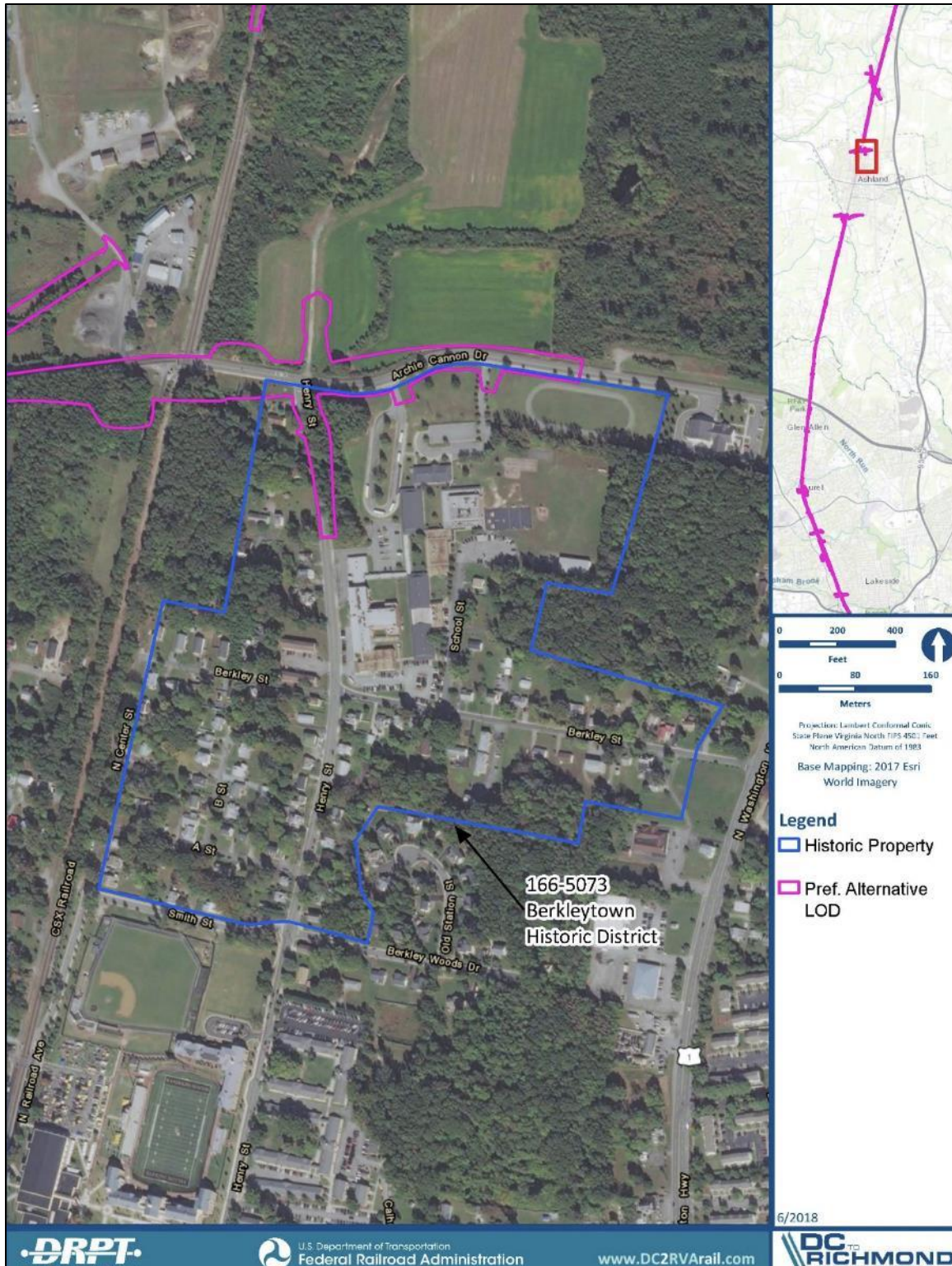




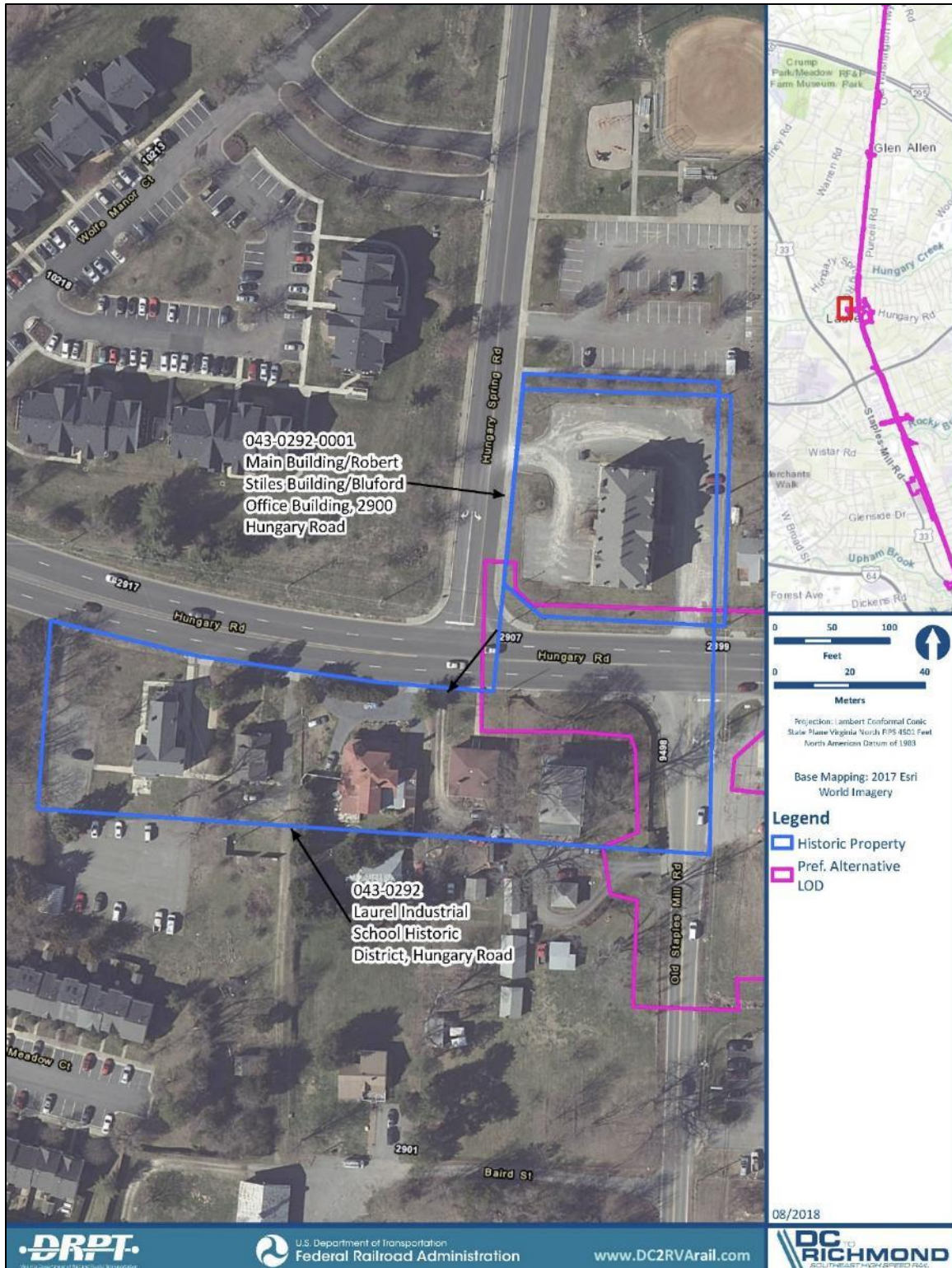




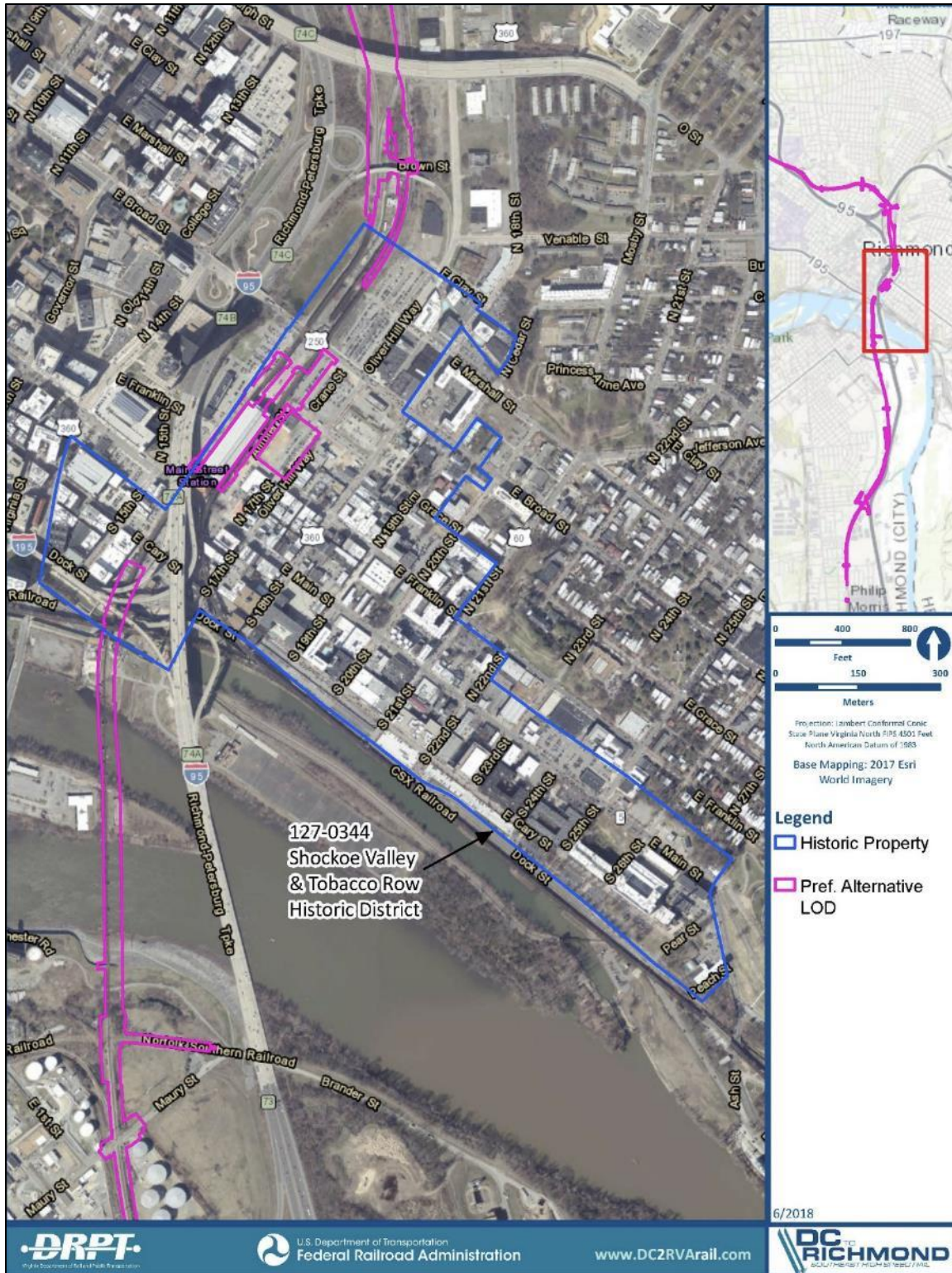




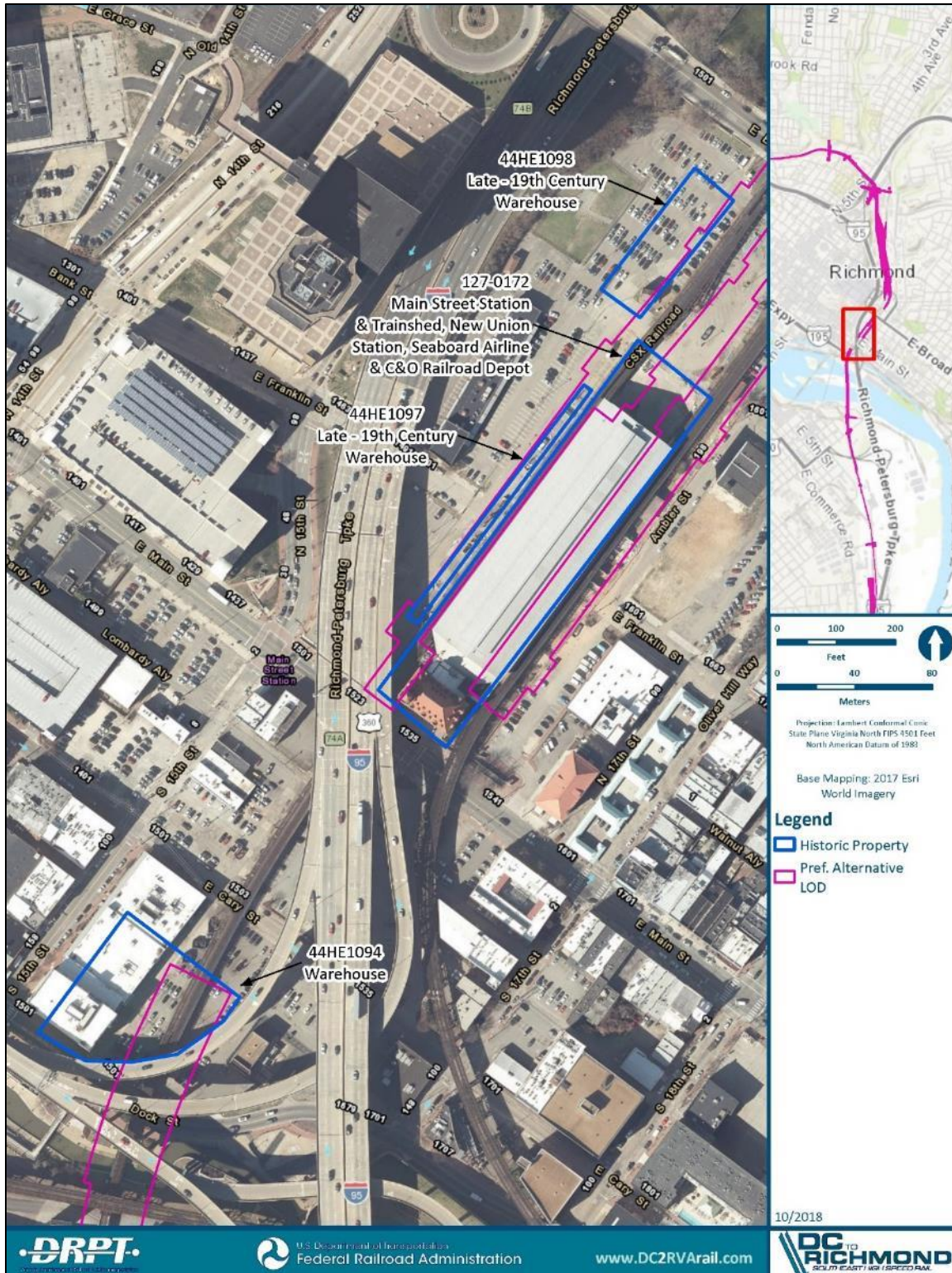




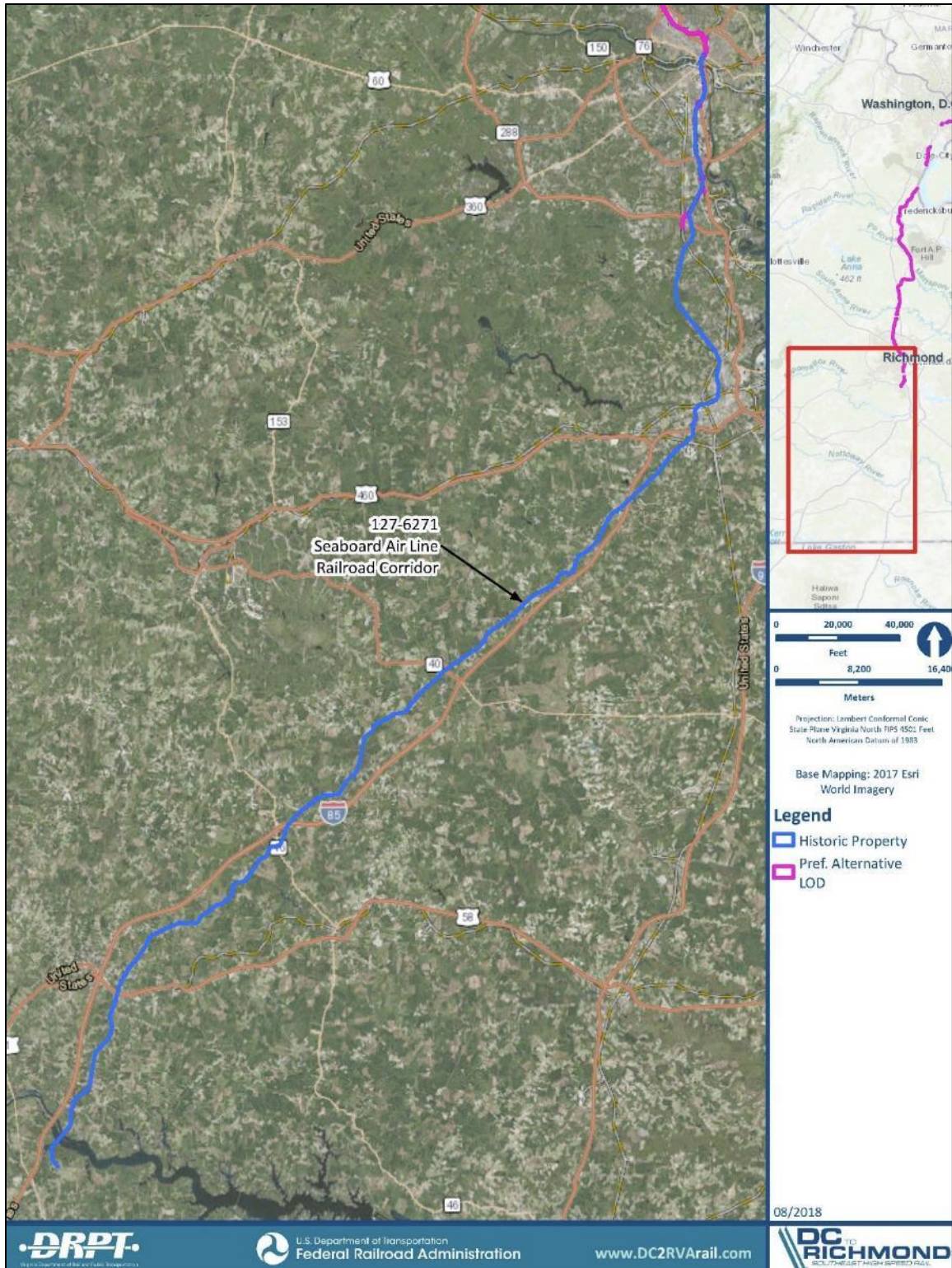












## APPENDIX C: Meetings and Correspondence with Consulting Parties

### Meetings

Date	Attendees	Topics
November 7, 2014	DHR, DRPT	Kick-off meeting; discussions on APE, methodology, reporting
March 19, 2015	VDOT, DRPT	Roadway bridges and Section 106 coordination
February 18, 2016	DHR, DRPT	Update on corridor and status of studies
June 14, 2016	CWT	General discussion on results to date; Richmond to Raleigh Memorandum of Agreement
August 10, 2016	DHR, DRPT	Preliminary dialogue on historic properties and Project effect
May 15, 2017	Ashland Museum, Town of Ashland	Overview of 106 process and technical studies to date
June 8, 2017	NPS- Fredericksburg, DRPT	Update on technical studies and Project plans
July 14, 2017	Town of Ashland; Ashland Museum	Update on technical studies and Project plans
July 26, 2017	DHR, DRPT	Update on technical studies and Project schedule
August 14, 2017	NPS—Richmond, DRPT	Update on technical studies and Project plans
October 11, 2017	Hanover County, Town of Ashland, Ashland Museum	Update on technical studies and Project plans
October 20, 2017	Alexandria Archaeology, City of Alexandria, Arlington County, NTHP, DRPT	Update on technical studies and Project plans
October 24, 2017	ACHP, ABPP, CWT, DRPT	Update on technical studies and Project plans
October 27, 2017	Prince William County, Caroline County, City of Fredericksburg, CVBT, HFFI, DRPT	Update on technical studies and Project plans
October 30, 2017	City of Richmond, Historic Richmond Foundation, DRPT	Update on technical studies and Project plans
February 8, 2018	Rose Center/Urban Land Institute, DRPT	Overview of Project and history of Shockoe Bottom
February 13, 2018	DHR, DRPT	Update on technical studies and Project schedule
April 4, 2018	DHR, DRPT	Discussion of Project limits of disturbance and APE
June 18, 2018	Town of Ashland, Ashland Museum	Historic property list and 106 process
June 19, 2018	DHR, DRPT	Historic properties and Project effect
June 21, 2018	CWT, Historic Richmond Foundation, Town of Ashland, Ashland Museum, Preservation Virginia, DRPT	Historic properties and Project effect
June 26, 2018	ABPP, City of Fredericksburg, NPS Fredericksburg, DRPT, FRA	Historic properties and Project effect
June 28, 2018	NTHP, Alexandria Archaeology, NPS—Mount Vernon Parkway, ACHP, DRPT	Historic properties and Project effect
July 2, 2018	DHR, FRA, DRPT	Revisit of historic properties and Project effect
July 16, 2018	Town of Ashland, Ashland Museum	Technical reports and Project effect

Date	Attendees	Topics
July 17, 2018	NPS- Fredericksburg	DC2RVA LOD and Jackson's Shrine
July 17, 2018	Preservation Virginia	DC2RVA Project summary and list of historic properties
July 19, 2018	City of Richmond, DRPT	Historic properties and Project effect
July 24, 2018	DHR	Resources in Shockoe Bottom
July 26, 2018	FRA, DHR, DRPT	Resources in Shockoe Bottom
July 27, 2018	ACHP	Resources in Shockoe Bottom
July 31, 2018	DHR, FRA, DRPT	Resources in Shockoe Bottom
August 3, 2018	DHR	Resources in Shockoe Bottom
August 6, 2018	DHR, DRPT, VA Secretary of Transportation, VA Secretary of Natural Resources	Discussion on historic resources in Shockoe Bottom
August 29, 2018	City of Richmond, DHR	Resources in Shockoe Bottom, City preservation initiatives near Main Street Station and future projects
September 5, 2018	VA Secretary of Transportation, DHR, DRPT, City of Richmond	Discussion of cultural resources in Shockoe Bottom
September 10, 2018	NTHP, Preservation Virginia, Sacred Ground Project, ACHP, DHR, DRPT	Discussion of upcoming meeting in Shockoe/Richmond, including meeting content and attendees
October 2, 2018	FRA, DHR, ACHP, DRPT	Summary of three October 2018 consulting party meetings, Resources in Shockoe Bottom, Next steps in 106 process
October 2, 2018	DRPT, City of Alexandria	List of historic properties, project effect
October 4, 2018	City of Fredericksburg, Prince William County, Ashland Museum, Alexandria Archaeology, DRPT, FRA	APE, list of historic properties, project effects, MOA mitigation
October 5, 2018	American Battlefield Trust (Civil War Trust), ABPP, Alexandria Archaeology, NPS- Mount Vernon Parkway, NPS- National Capital Region	APE, list of historic properties, project effects, MOA mitigation
October 12, 2018	NTHP, Shockoe Partnership, ACHP, Preservation Virginia, City of Richmond, Slave Trail Commission, Historic Richmond Foundation, Untold RVA, DHR, FRA, DRPT, private citizens	On-site visit at Main Street Station, APE, list of historic properties, project effects, MOA mitigation
October 15, 2018	Historic Richmond Foundation, DRPT	Resources in Shockoe Bottom, list of historic properties, project effect, MOA mitigation
October 23, 2018	ACHP, DHR, FRA, DRPT	Update on consulting party meetings, list of historic properties, project effect
October 24, 2018	Ashland Museum, Town of Ashland, DRPT	List of historic properties, project effect, MOA mitigation
November 1, 2018	Preservation Virginia, DRPT	Resources in Shockoe Bottom, list of historic properties, project effect, MOA mitigation
November 2, 2018	Elegba Folklore Society, DRPT	Summary of project, Resources in Shockoe Bottom, list of historic properties, project effect, MOA mitigation

Date	Attendees	Topics
November 28, 2018	NTHP, DRPT	Discussion on reply sent to NTHP on Historic Properties
December 3, 2018	NTHP, Preservation Virginia, Historic Richmond Foundation, Elegba Folklore Society, City of Richmond, DRPT, FRA, ACHP, DHR	Additional discussion on reply sent to NTHP, historic properties in Shockoe Bottom, and effect on historic properties

### **Correspondence Sent to Consulting Parties**

Date	Medium	Recipient	Topic
September 25-October 15, 2014	E-mail; Letter	DHR, FRA, DRPT	Initiation of Section 106 Process
January 5-February 2, 2015	E-mail, Letter	DHR, FRA, DRPT	Defining Project APE
June 8, 2015	E-mail	VDOT	VDOT/DHR PA on Historic Bridges
June 22, 2015	Letter	Civil War Trust, DRPT	Receipt of comments on Project screening review
July 30, 2015	E-mail	All Consulting Parties, DRPT	Distribution of Archaeological Predictive Model report for review
July 17, 2015; August 28, 2015	Letter, E-mail	DHR	Submittal of Archaeological Predictive Model Report; DHR Reply
August 3-September 4, 2015	E-mail	Arlington County, City of Alexandria, Prince William County, City of Fredericksburg, DRPT	Receipt of comments on Archaeological IA Predictive model
August 28, 2015	E-mail	All Consulting Parties, DRPT	Reminder to submit comments on Predictive Model Report
October 20, 2015; December 18, 2015	Letters	NPS (FSNMP)	<i>Archaeological Resources Protection Act</i> (ARPA) permit to dig on federal land (Original Segment 7)
December 9, 2015; February 5, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 7); DHR Reply
December 15, 2015	Letter	DHR	Application to conduct archaeology on state lands (Original Segment 11)
March 18-31, 2016	E-mail; Memo	DHR	Discussion of alternative methodology for architecture in Original Segment 18
April 13-April 26, 2016	E-mail	David Hamilton (Consulting Party), DHR, DRPT, FRA	Mr. Hamilton is a private property owner along the Ashland Bypass. Numerous E-mails were exchanged with Mr. Hamilton regarding his concerns, his position as a consulting party, and distributing Project data
May 20, 2016; June 8, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 6); DHR reply
May 31, 2016; June 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 3); DHR reply
May 31, 2016; June 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 4); DHR reply
June 21, 2016; June 28, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segments 8-9); DHR reply
July 6, 2016; July 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 1); DHR reply

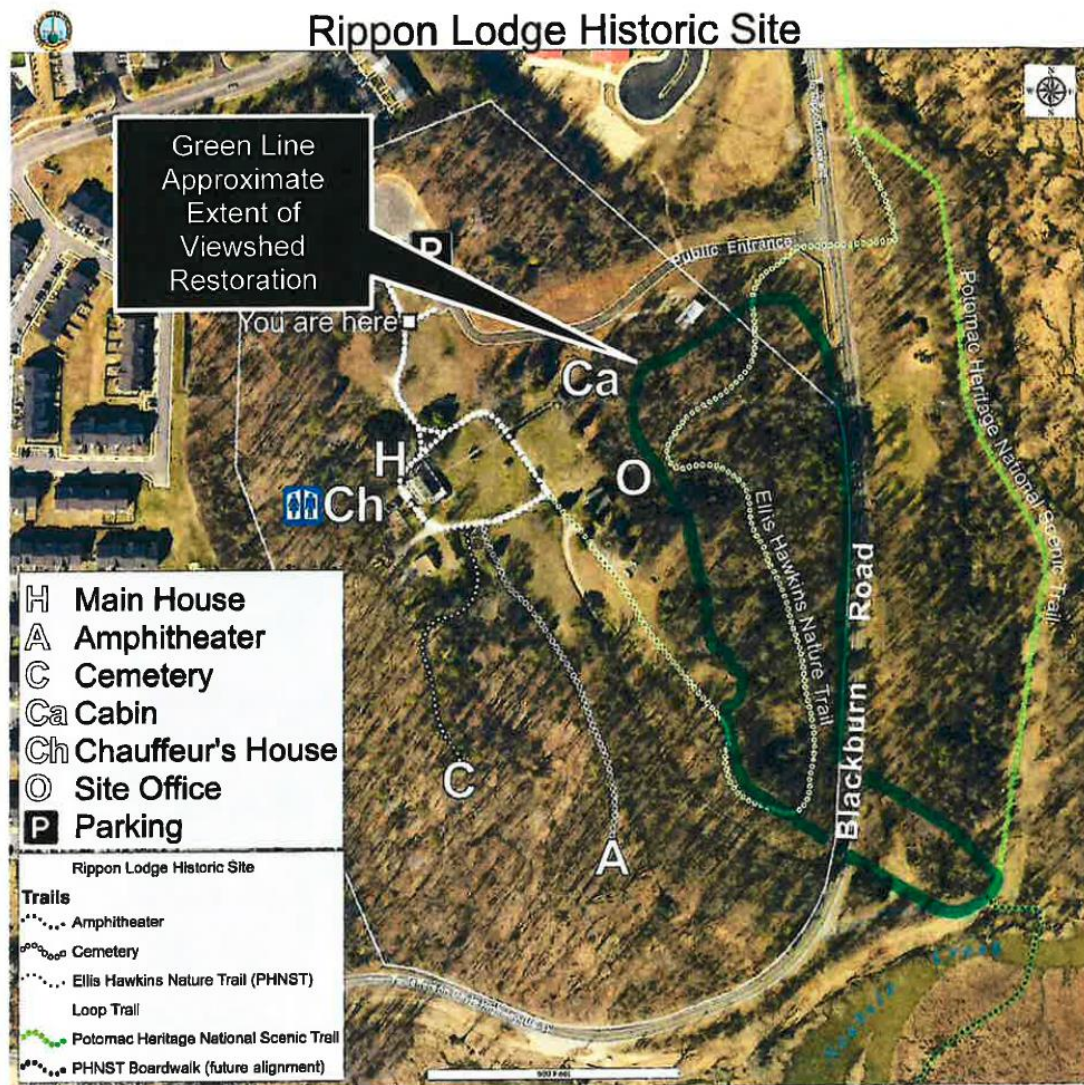
Date	Medium	Recipient	Topic
July 6, 2016; July 15, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 2); DHR reply
July 25, 2016; August 15, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segments 10-12); DHR reply
December 21, 2016; February 21, 2017	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 13); DHR reply
August 3, 2016; August 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 14); DHR reply
September 6, 2016; October 11, 2016	Letter, E-mail	DHR	Submittal of Archaeological Phase I Report (Original Segments 1-20); DHR reply
October 21, 2016; November 30, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segments 15, 16, 20); DHR reply
November 14, 2016; December 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segments 17, 19); DHR reply
October 21, 2016; November 3, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 18); DHR reply
January 20, 2017; March 1, 2017	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Structures); DHR reply
January 6, 2017; February 3, 2017	Letter, E-mail	DHR	Submittal of Phase IA Ashland Bypass Report; DHR reply
January 20, 2017; February 3, 2017	Letter, E-mail	DHR	Submittal of Phase IA Fredericksburg Bypass Report; DHR reply
February 24, 2017; March 24, 2017	E-mail	All Consulting Parties	Distribution of Architectural Reports for review; Consulting Party comments
March 28, 2017	E-mail	All Consulting Parties	Update on technical study distribution
April 14, 2017; May 14, 2017	Letter; E-mail	All Consulting Parties	Distribution of All Phase IA and IB reports for review; Consulting Party comments
May 17, 2017	E-mail	All Consulting Parties	Reminder of comment deadline for reports
June 1, 2017	E-mail	All Consulting Parties	Extension of deadline for comments on reports
September 19, 2017	E-mail	All Consulting Parties	Summary of upcoming Draft EIS meetings and offer for on-on-one meetings
October 7, 2017	E-mail	All Consulting Parties	Reminder of Draft EIS meetings
November 2, 2017	E-mail	All Consulting Parties	Distribution of historic map overlays showing Shockoe Bottom
November 21, 2017	Letter; E-mail	Professor J.V. Moeser, Secretary of Transportation	Resources in Shockoe Bottom
February 7, 2018	E-mail	All Consulting Parties	Update on LOD and technical studies progress
February 13, 2018	Letter; Email	Tribes who received federal status in 2018	Invitation to participate in project; Updates on project to date and future steps (Tribes were included on all subsequent All Consulting Party communication)
May 8, 2018	E-mail	All Consulting Parties	Update on distribution of LOD and Phase II technical reports
May 14, 2018; June 12, 2018	E-mail	DHR	Submittal of Archaeological LOD Expansion Areas Report; DHR reply
May 17, 2018; July 20, 2018	E-mail	All Consulting Parties	Distribution of Archaeological LOD Expansion Areas Report for review; Consulting Party comments
May 4, 2018; June 11, 2018	E-mail	DHR	Submittal of Architectural LOD Expansion Areas Report for review; DHR reply
May 17, 2018; July 20, 2018	E-mail	All Consulting Parties	Distribution of Architectural LOD Expansion Areas Report for review; Consulting Party comments



Date	Medium	Recipient	Topic
March 22, 2018; April 25, 2018	E-mail	DHR	Submittal of Architectural Phase II Report A; DHR reply
April 19, 2018; May 1, 2018	E-mail	DHR	Submittal of Architectural Phase II Report B; DHR reply
May 10, 2018; June 12, 2018	E-mail	DHR	Submittal of Architectural Phase II Report C; DHR reply
May 17, 2018; July 20, 2018	E-mail	All Consulting Parties	Distribution of Architectural Phase II Reports (A-C) for review; Consulting Party comments
June 13, 2018	E-mail	All Consulting Parties	Reminder of upcoming series of Project meetings
June 20, 2018; June 28, 2018	Letter, E-mail	DHR	Submittal of Project effects letter; DHR reply
June 20, 2018	E-mail	All Consulting Parties	Update on Project effects and reminder of upcoming series of Project meetings
July 9, 2018; July 18, 2018	Letter; E-mail	DHR	Submittal of Addendum Project effects letter; DHR reply
July 9, 2018	E-mail	All Consulting Parties	Update on Addendum Project Effects
July 20, 2018	E-mail	All Consulting Parties	Reminder of deadline for report and effects comments
August 14, 2018	E-mail	FRA, DHR, DRPT	Framework of MOA for review
August 23, 2018	E-mail	All Consulting Parties	Update on project including receipt of comments on reports, APE, and list of historic properties
September 21, 2018	E-mail	All Consulting Parties	Invitation to three October Consulting Party Meetings
September 21, 2018	E-mail	Shockoe Bottom Neighborhood Assn; Historic Shockoe Partnership; Slave Trail Commission; Elegba Folklore Society; Black History Museum Virginia Untold VA; Virginia African American Cultural Resources Task Force; Southern Environmental Law Center; Sacred Ground Project; Community Unity in Action, Richmond Branch NAACP; Wesley Memorial United Methodist Church; VCU Department African American Studies; Richmond Crusade for Voters; First Unitarian Universalist Church; Sacred Ground Historical Reclamation Project; VCU, Building on Sacred Ground	Invitation to Shockoe Bottom/Richmond Consulting Party Meeting
October 11, 2018	E-mail	All Consulting Parties	Reminder of three October Consulting Party Meetings

Date	Medium	Recipient	Topic
October 11, 2018		Shockoe Bottom Neighborhood Assn; Historic Shockoe Partnership; Slave Trail Commission; Elegba Folklore Society; Black History Museum Virginia Untold VA; Virginia African American Cultural Resources Task Force; Southern Environmental Law Center; Sacred Ground Project; Community Unity in Action, Richmond Branch NAACP; Wesley Memorial United Methodist Church; VCU Department African American Studies; Richmond Crusade for Voters; First Unitarian Universalist Church; Sacred Ground Historical Reclamation Project; VCU, Building on Sacred Ground	Reminder of Shockoe Bottom/Richmond Consulting Party Meeting
November 13, 2018	Letter; E-mail	DRPT, Preservation Virginia, Historic Richmond Foundation, DHR, ACHP	Reply to NTHP, Preservation Virginia, and Historic Richmond Foundation on July 20, 2018 letters
November 27, 2018	E-mail	All Consulting Parties	Distribution of updated list of historic properties and revised effects; Solicitation of additional MOA mitigation ideas
November 19, 2018; January 4, 2019	Letter; E-mail	DHR	Submittal of Second Addendum Project effects letter; DHR reply
December 21, 2018	E-mail	FRA, DHR, ACHP,	Revised MOA for review
November 30, 2018; January 4, 2019	Letter; E-mail	DHR	Section 4(f) concurrence letter; DHR reply
January 4, 2019	E-mail	All Consulting Parties	Distribution of Draft MOA for review to Consulting Parties
February 11, 2019	E-mail	FRA, DHR, ACHP	Second revised MOA for review based on Consulting Party feedback
April 2019	E-mail	FRA, DHR, ACHP	Final MOA for ratification; Signatures received and MOA finalized

# **APPENDIX D: Map Showing Area of Vegetative Clearing/Underbrush Removal at Rippon Lodge**



**RECORD OF DECISION ATTACHMENT B:  
DEPARTMENT OF INTERIOR  
SECTION 4(f) CONCURRENCE**



**D.C. TO RICHMOND SOUTHEAST HIGH SPEED RAIL**



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

JUN 18 2019

In Reply Refer To:  
ER 17/0414

*Electronically Filed*

Mr. John Winkle  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**Subject: Tier II Final Environmental Impact Statement and Section (4)f Evaluation—  
Washington, DC to Richmond Southeast High Speed Rail**

Dear Mr. Winkle:

The Department of the Interior (Department) has reviewed the Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the proposed improvements to rail lines between Washington, DC and Richmond, Virginia, to allow for high speed rail service. The purpose of this project is to increase the capacity of the railroad between Washington, DC and Richmond, to deliver higher speed passenger rail service, while also supporting the planned expansion of VRE commuter rail service and accommodating the forecasted growth of freight rail service by developing an efficient and reliable multimodal rail corridor. We offer the following comments on this project for your consideration.

## **Section 4(f) Evaluation Comments**

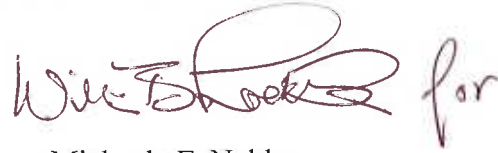
The Department appreciates your continued efforts to coordinate with various agencies regarding this project and the development of the Section 4(f) Evaluation, particularly the National Park Service (NPS). We thank the Federal Railroad Administration (FRA) for their continued coordination with the NPS on this project and appreciate the thoughtful responses to their comments on the DEIS. The Department is satisfied that all concerns raised have been adequately addressed.

The Department concurs that there is no prudent and feasible alternative to the use of 4(f) lands, which consist of 17 historic properties upon which the preferred alternative will have an adverse effect. The description of each resource and the 4(f) use is very thoroughly documented in the evaluation. The Department also concurs that all possible planning to minimize harm has been documented in the Draft Memorandum of Agreement among the FRA, The Virginia Historic Preservation Office, The Advisory Council on Historic Preservation, and the Virginia Department of Rail and Public Transportation. The Department agrees that the mitigation measures outlined in this document adequately addresses the 4(f) use.



We appreciate the opportunity to provide these comments.

Sincerely,



Michaela E. Noble  
Director, Office of Environmental Policy  
and Compliance

cc: [John.Winkle@dot.gov](mailto:John.Winkle@dot.gov)  
SHPO-VA ([julie.langan@dhr.virginia.gov](mailto:julie.langan@dhr.virginia.gov))

# RECORD OF DECISION ATTACHMENT C: PROJECT COMMITMENTS



D.C. TO RICHMOND SOUTHEAST HIGH SPEED RAIL

## DC2RVA PROJECT COMMITMENTS

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The following commitments to provide mitigation measures for the Washington, D.C. to Richmond Southeast High Speed Rail (DC2RVA) Project are the result of agency consultations, comments on the Tier II Draft Environmental Impact Statement (EIS), comments on the Tier II Final EIS, and regulatory requirements.

Each commitment has been agreed to by the Virginia Department of Rail and Public Transportation (DRPT) and will be implemented, as appropriate, in the Project's design and construction phases. Actual dates for future Project design and implementation are dependent upon identifying and securing funding, completing Project design, and finalizing all necessary approvals and permits, including agreements with Amtrak and CSXT. Construction of the infrastructure improvements that are part of the DC2RVA Selected Alternative are not currently funded (other than the Atlantic Gateway improvements), and it is unlikely that funding for full construction will be available all at once. Further, FRA and DRPT understand that funding for construction—as well as the timelines of separate but related projects—will require that the DC2RVA Project be constructed incrementally over the 20-year planning horizon from 2025 to 2045. Therefore, the Project will be designed and constructed in increments as funding becomes available; as each Project increment or subproject is funded and moves forward through design and construction, the commitment(s) to perform mitigation appropriate to that specific Project increment will also be implemented. Mitigation measures will be implemented for each subproject as they are constructed and become operational. In the event that the Project or any of the incremental subprojects are turned over to another sponsor during construction, DRPT will continue to coordinate the following commitments with that sponsor and the appropriate federal, state, and local regulatory and managing agencies.

Commitments are presented within the following topic areas:

- A. Continued Coordination
  - Agency Coordination and Permits
  - Coordination with Operating Railroads
  - Coordination with Localities
- B. Environmental Protection
  - Coastal Zone Management
  - Wetlands
  - Floodplains/Stormwater Management
  - Wildlife, Habitats, and Trees
  - Endangered Species
  - Hazardous Materials
  - Air Quality
  - Noise and Vibration
- Parks, Recreation Areas, and Wildlife Refuges
- Visual and Aesthetics
- Waters and Drinking Water
- C. Cultural Resources and Section 106
- D. Design Requirements
  - Maintenance of Traffic/Grade Crossings
  - Pedestrian/Bicycle Facilities
  - Bridge Design
  - Utilities
  - Sustainability
  - Long Bridge Design Coordination
- E. Right-of-Way Acquisition
- F. Supplemental Considerations

## A. CONTINUED COORDINATION

- A1 DRPT will continue to coordinate with federal and state agencies, affected localities, the general public, and other stakeholders in accordance with, and to ensure compliance of, all applicable federal and state laws and regulations during future phases of design and permitting. The DC2RVA Project will be implemented in increments or subprojects as funding becomes available. As part of the future phases of design for each subproject, DRPT will avoid or minimize impacts to the extent practicable. Where impacts cannot be avoided or minimized, DRPT will work with the regulatory agencies, permit authorities, project stakeholders and the local communities to develop appropriate mitigation measures as part of each subproject design, and in accordance with project commitments identified herein.

## AGENCY COORDINATION AND PERMITS

- A2 DRPT will continue to coordinate with the U.S. Army Corps of Engineers (USACE), U.S. Fish & Wildlife Service (USFWS), U.S. Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS), Virginia Department of Environmental Quality (DEQ), Virginia Department of Conservation and Recreation (VDCR), Virginia Department of Game and Inland Fisheries (VDGIF), Virginia Marine Resource Commission (VMRC) and other regulatory agencies regarding habitat and wildlife, including any updates to listed species, to ensure impacts are avoided to the extent practicable throughout future phases of design and permitting. DRPT will conduct general coordination with these agencies throughout the full term of the DC2RVA Project. In addition, as funding becomes available for a subproject, DRPT will conduct additional coordination to obtain the necessary permits and approvals pertinent to that subproject as the subproject moves forward into further design and construction.
- A3 For proposed activities that impact wetlands and/or surface waters, DRPT will prepare a Joint Permit Application (JPA) to be submitted to the USACE, DEQ, VMRC and local wetland boards. The DC2RVA Project will be developed as a series of incremental subprojects as funding becomes available; DRPT will submit a JPA for each subproject as they are funded and move forward into final design and construction. Proposed compensatory mitigation for the subproject impacts will be developed in coordination with the USACE during preparation of the JPA. The location, type and extent of infrastructure improvement, and applicable laws and regulations will determine the permits and approvals required for each subproject. Anticipated necessary permits and approvals that DRPT will obtain during future phases of design and permitting include the following:
- A3.1 ▪ Section 401 of the Clean Water Act—Water Quality Certification
  - A3.2 ▪ Section 402 of the Clean Water Act—National Pollution Discharge Elimination System (NPDES)
  - A3.4 ▪ Section 404 of the Clean Water Act—Dredge and Fill Materials
  - A3.5 ▪ Section 408 of the Clean Water Act—USACE permission to alter or occupy civil works projects previously constructed by the Corps such as dams, levees, or flood channels

- A3.6      ■ Code of Virginia Chapter 2, Title 62.1 Subaqueous Stream Bed Bottom – VMRC
- A3.7      ■ Section 9 of the Rivers and Harbors Act – United States Coast Guard
- A3.8      ■ Section 10 of the Rivers and Harbors Act – USACE
- A3.9      ■ MS4 Permit – Small Municipal Separate Storm Sewer Systems
- A4      DRPT will consult the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) to investigate the availability of mitigation bank credits during future phases of design for each subproject. If there are insufficient bank or in-lieu fee credits, DRPT is prepared to develop a permittee-responsible mitigation proposal in coordination with USACE early in the permitting process for each subproject.
- A5      To further avoid/minimize temporary impacts to National Park Service (NPS) properties, DRPT will continue to coordinate with NPS during future phases of design and construction of subprojects that affect NPS properties. Should such temporary impacts be unavoidable, DRPT will ask NPS for temporary construction access permits, as required, at that time.
- A6      DRPT will ensure Project conformance with applicable performance criteria for areas protected by the Chesapeake Bay Preservation Act as specified in 9VAC 25-830-130 of the Chesapeake Bay Preservation Area Designation and Management Regulations and local ordinances, including minimizing land disturbance and impervious cover.
- A7      DRPT will obtain a Virginia Stormwater Management Program (VSMP) general NPDES permit through the VDCR since the DC2RVA Project would disturb more than 10,000 square feet of land. DRPT will coordinate with the VDCR to obtain the VSMP general permit for the overall DC2RVA Project prior to advancing any subproject construction activity. As each subproject is funded and moves into design and construction, DRPT will prepare and implement a site-specific Stormwater Pollution Prevention Plan (SWPPP), which will outline the steps and techniques the operator will take to comply with the terms and conditions of the general permit, including: water quality/quantity requirements that are consistent with the VSMP permit regulations to reduce pollutants in the stormwater runoff from the construction site; and a description of post development stormwater management measures to be installed. Prior to construction of each subproject, DRPT will prepare and implement an erosion and sediment control (ESC) plan and a stormwater management plan (SMP) to ensure compliance with state law and regulations.
- A8      Prior to advancing any subproject construction activity as the entire Project corridor is located within Virginia's Coastal Zone Management Area, FRA and DRPT will submit a Federal Consistency Determination that analyzes the coastal effects of the overall DC2RVA Project in light of the enforceable policies of the Virginia Coastal Zone Management Program and provides commitment to comply with those policies.

## COORDINATION WITH OPERATING RAILROADS

- A8      Existing operations for Amtrak, Virginia Railway Express (VRE), and CSX Transportation (CSXT) will be maintained during construction to the extent practicable.



- A9 DRPT will continue to coordinate with FRA, District Department of Transportation (DDOT), VRE, and the Washington Metropolitan Area Transit Authority (WMATA) to ensure proposed DC2RVA improvements, and its design and construction phases, align with the Long Bridge project.
- A10 DRPT will continue to coordinate with CSXT, Amtrak, and VRE to ensure proposed track improvements under DC2RVA align with any ongoing and planned station expansion projects. Additional commitments for track and station design will be the responsibility of CSXT and Amtrak.
- A11 Potential Project impacts to WMATA facilities, and the Zone of Influence, if any impacts are discovered, will be identified as part of future phases of design.

## COORDINATION WITH LOCALITIES

- A12 As DC2RVA incremental subprojects are funded and move forward to design and construction, DRPT will continue to coordinate with all local governments along the affected sections of the Project corridor. Additional specific coordination commitments include:
  - A12.1 ▪ Arlington County: Activities in the vicinity of Long Bridge Park.
  - A12.2 ▪ City of Alexandria: Coordinate future design improvements for King Street Station and associated spanning of King Street and Commonwealth Avenue.
  - A12.3 ▪ Fairfax County: Coordinate with Fairfax County Park Authority through future phases of design for mitigation of impacts to Fairfax County parks.
  - A12.4 ▪ Prince William County: Develop plans for Railroad Avenue (in Woodbridge) to determine the feasibility of providing a frontage road or alternate access to affected properties, with additional review of traffic data for grade crossings as needed.
  - A12.5 ▪ City of Fredericksburg: Coordinate future design elements of the Lansdowne Road grade separation, station improvements, and Rappahannock River Bridge.
  - A12.6 ▪ Spotsylvania County: Continue to coordinate with the County to incorporate future roadway improvements.
  - A12.7 ▪ Town of Ashland: Continue to coordinate with the Town, and other local stakeholders, during the future planning, design, and engineering of the grade-separated crossings at Vaughan and Ashcake Roads.
  - A12.8 ▪ Henrico County: Continue to coordinate with the County and other stakeholders during the future design of the Hungary Road overpass and the U.S. Bike Route 1 connectivity.
  - A12.9 ▪ City of Richmond: Continue coordination and perform additional review of traffic data to update traffic conditions for existing at-grade crossings in Richmond, as required during future phases of design.
  - A12.10 ▪ City of Richmond: Continue coordination to develop a parking plan for Main Street Station's future intercity passenger needs in conjunction with the City's plans for its property around Main Street Station and other development within Shockoe Bottom.

## B. ENVIRONMENTAL PROTECTION

### WETLANDS

- B1 The DC2RVA Project will be developed as a series of incremental subprojects as funding becomes available; DRPT will submit a JPA for each subproject as they are funded and move forward into final design and construction. As part of the future phases of design for each subproject, DRPT will avoid or minimize impacts to wetlands to the extent practicable. Where subproject impacts cannot be avoided or minimized, DRPT will evaluate the functions, values, and condition of wetlands and the availability of mitigation sites, utilizing the methodology in use by USACE at the time of application for determining compensation requirements.
- B2 The DC2RVA Project will be developed as a series of incremental subprojects as funding becomes available; DRPT will submit a JPA for each subproject as they are funded and move forward into final design and construction. As part of the JPA process for each subproject, DRPT will submit a formal jurisdictional determination to the USACE during the JPA process.

### FLOODPLAINS/STORMWATER MANAGEMENT

- B3 DRPT will design and construct the Project in accordance with Executive Order 11988—Floodplain Management; 23 CFR 650 Subpart A—Location and Hydraulic Design of Encroachments on Flood Plains, and the Virginia Erosion and Sediment Control Regulations, and the Virginia Stormwater Management Law and regulations.
- B4 As individual subprojects are funded and move forward into design and construction, DRPT will coordinate with the Federal Emergency Management Administration (FEMA) to determine if a Conditional Letter of Map Revision (CLOMR) and a subsequent final Letter of Map Revision (LOMR) are required for the subproject. DRPT will obtain floodplain development permits for each subproject as required from the local jurisdictions, to include a no-rise/impact certification for each regulated floodplain/floodway and/or non-encroachment area crossing or a submittal for a CLOMR per 44 CFR Section 65.12.
- B5 DRPT will design placement of stormwater management facilities to avoid wetlands and other aquatic habitats, to the extent feasible, during future phases of design of each subproject or incremental piece of the DC2RVA improvements.
- B6 Prior to the start of construction activity for each subproject, DRPT will develop and submit to DEQ site-specific Stormwater Management (SWM) and Erosion and Sediment Control (E&SC) plans.

### WILDLIFE, HABITATS, AND TREES

- B7 To the extent practicable, DRPT will avoid grading and construction during migratory bird breeding season. If construction is necessary during the breeding season, DRPT will conduct nest surveys, if necessary, and will avoid activities within 100 feet of active nests, where possible.
- B8 To the extent practicable for each subproject, DRPT will design rail crossings over smaller streams to maintain fish passage and channel morphology through the use of bottomless culverts and single-span bridges and avoid instream work.

- B9 To the extent practicable for each subproject, DRPT will apply special design features, such as oversized culverts and extended bridges, to improve wildlife corridors in areas where habitat fragmentation would occur.
- B10 FRA and DRPT will continue coordination with USFWS, VDGIF, and NMFS pursuant to Section 7 of the Endangered Species Act of 1973, as amended, for potential impacts to federally listed species, where required, during future phases of design and permitting of incremental projects or subprojects.
- B11 DRPT will provide VDGIF detailed maps depicting the location of new structures, including areas of pile driving and detailed descriptions of the proposed work, for review and comment during future phases of design of each subproject. DRPT will incorporate VDGIF's comments and proposed Time of Year restrictions in the DEQ and/or VMRC permit conditions for the applicable subproject.
- B12 DRPT will ensure that construction contract documents for each subproject include appropriate measures to protect mature trees along the limits of disturbance. Where permanent impacts to vegetation buffers are identified during future phases of the project, DRPT will identify suitable mitigation measures potentially, in coordination with local communities, including additional support of local community green spaces, such as planting of trees, community gardens, and parks and walkways.
- B13 DRPT will provide special provisions for work in waters containing submerged aquatic vegetation (SAV). During future phases of design, DRPT will submit a request to remove SAV from, or plant SAV on, state-administered benthic surfaces as part of a JPA to the VMRC.

## HAZARDOUS MATERIALS

- B14 DRPT will comply with the requirements for solid and hazardous wastes and hazardous materials specified by DEQ during construction. Prior to the acquisition of right-of-way and construction, thorough site investigations (Phase I or Phase II Environmental Site Assessment, as appropriate) will be conducted, as required, to determine whether any of the sites are contaminated, and, if so, the nature and extent of that contamination. Any additional hazardous material sites discovered during construction will be removed and disposed of in compliance with all applicable federal, state, and local regulations. All structures being demolished, renovated, and/or removed will be inspected for asbestos containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations, state regulations for ACM and for LBP will be followed. All necessary remediation will be conducted in compliance with applicable federal, state, and local environmental laws and will be coordinated with the EPA, DEQ, and other federal or state or local agencies as necessary.
- B15 DRPT will ensure that all solid waste, hazardous waste, and hazardous materials generated during construction of the Project will be handled and managed in accordance with federal, state and local regulations, including the Virginia Solid Waste Management Regulations.

**AIR QUALITY**

- B16 DRPT will follow the Virginia Department of Transportation (VDOT) Road and Bridge Specifications during design and construction. DRPT will ensure that dust suppression or containment systems will be implemented, as appropriate, to minimize migration of fugitive dust and airborne contaminants during Project and subproject construction.
- B17 DRPT will take all reasonable precautions during Project construction to limit the emissions of volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) and will adhere to limitations on the use of “cut-back” during construction consistent with 9 VAC 5-45-780 *et seq.*

**NOISE AND VIBRATION**

- B18 The DC2RVA Project will be developed as a series of incremental subprojects as funding becomes available; DRPT will re-evaluate the need for noise and vibration mitigation within each subproject section as the subprojects are funded and move forward into final design and construction. Noise and vibration mitigation will be addressed during future phases of design using FRA’s High-Speed Ground Transportation Noise and Vibration Impact Assessment (September 2012) procedures, which could potentially include installation of wayside horns at crossings and noise walls between track and receptors.
- B19 DRPT will coordinate with CSXT to mitigate vibration impacts related to freight trains on realigned or new tracks when subprojects are funded and move forward into final design and construction.
- B20 The DC2RVA Project will be developed as a series of incremental subprojects as funding becomes available; DRPT will re-evaluate the need for noise and vibration mitigation within each subproject section as the subprojects are funded and move forward into final design and construction. DRPT will develop a communication liaison plan for each subproject that would notify affected and/or sensitive receptors of noise and vibration impacts, mitigation strategies, and construction schedules.

**PARKS, RECREATION AREAS, AND WILDLIFE REFUGES**

- B21 DRPT will continue to coordinate with owners and operators of federal, state, and local parks, recreational areas and wildlife refuges throughout future phases of design and construction to ensure that any land that is temporarily impacted by Project construction will be restored and stabilized through revegetation to as near its prior condition as possible after construction, and the activities of the facility not be affected during the timeframe of the temporary impacts. DRPT will ensure that access and connectivity to parks and trails will be maintained throughout construction.
- B22 As funding becomes available and each subproject moves forward into design and construction, DRPT will ensure that impacts to the existing trees and vegetation within the existing right-of-way will be minimized to the greatest extent practical to maintain the visual buffer between parks and the rail corridor.

**VISUAL AND AESTHETICS**

- B23 As funding becomes available and each subproject moves forward into design and construction, DRPT will continue to work with affected communities during the future phases of design on the nature and style of design for visually-significant structures, such as the major waterway crossings of the Occoquan River, Neabsco Creek, Rappahannock River, and James River, as applicable to each subproject.

**WATERS/DRINKING WATER**

- B24 DRPT will include applicable Best Management Practices (BMPs) for wellhead protection areas during future phases of the Project. BMPs could include, but are not limited to:
- Limiting use of chemicals during construction and future right-of-way maintenance that could contaminate the well.
  - Maintaining a vegetative cover or other protection against erosion on disturbed land areas.
  - Utilizing sod or vegetated waterways to manage stormwater.
  - To increase local visibility and awareness of the wellhead protection area, install signs along roads in high visibility locations near to the designated boundary of the wellhead protection area that state “Entering Source Water Protection Area”. (Note that signs on road right-of-way require approval of VDOT.)
- B25 To further minimize impacts and increase sustainability to surface waters as well as ground and drinking water, DRPT will incorporate the Environmental Protection Agency’s green infrastructure and smart growth planning guidance to the extent practicable during future phases of design of the Project.

**C. CULTURAL RESOURCES AND SECTION 106**

- C1 A “process” Programmatic Agreement (PA) for the Washington, DC to Charlotte, NC high speed rail corridor was developed during the Tier I phase of the Project. A Section 106 Memorandum of Agreement (MOA) was developed as part of the Tier II Final EIS for the DC2RVA Project to outline the Project commitments under Section 106 of the National Historic Preservation Act. The Final Section 106 MOA has been agreed to by all signatories; the signed Section 106 MOA is included as Attachment A to the Record of Decision (ROD) for this Project, and is included herein by reference.
- C2 As part of the Section 106 process and documented in the Tier II EIS, DRPT, in consultation with the Virginia Department of Historic Resources (DHR), identified 21 historic properties along the DC2RVA corridor that would be adversely affected by the Project: four buildings, two structures, seven historic districts, and eight archaeological sites. Specific Section 106 mitigations for each of these resources are detailed in the Section 106 MOA and summarized below (in north to south order):
- C2.1     ▪ Richmond, Fredericksburg and Potomac Railroad (RF&P) (500-0001)
- C2.1.1     – Architectural evaluation/Phase II-level study of bridges to be demolished as part of the Project that are contributing elements to the railroad district



- C2.1.2 – Oral histories of two individuals with an in-depth knowledge/long tenure working on structures along historic RF&P rail line
- C2.1.3 – Creation of an online Project map/ story board to highlight historic properties along the corridor
- C2.2 ■ RF&P Bridge over Occoquan River (500-0001-0022)
  - C2.2.1 – Design review of new structure to assure historic resource compatibility
  - C2.2.2 – Historic American Engineering Record (HAER) documentation of extant structure to include measured drawings, large-format photographs, archival research and production of HAER report
- C2.3 ■ Rippon Lodge (076-0023)
  - C2.3.1 – Design review of new railroad structures near the Rippon Lodge to assure historic resource compatibility
  - C2.3.2 – Cultural landscape study of the Neabsco Creek watershed between Rippon Lodge and the Neabsco Creek bridge
  - C2.3.3 – Interpretive sign on Neabsco Creek watershed to be placed near the Rippon Lodge/Neabsco Creek in a location deemed suitable by Prince William County
  - C2.3.4 – Restoration of the viewshed between Rippon Lodge and the Neabsco Creek rail bridge through the removal of underbrush
- C2.4 ■ Civil War Campsite (Site 44ST1223)
  - C2.4.1 – Archaeological data recovery at the portion of the site to be impacted by the Project
  - C2.4.2 – Installation of interpretive sign on archaeology and camp life in a location deemed appropriate by NPS-Fredericksburg
  - C2.4.3 – Scholarly article discussing the historical and archaeological importance of the site
- C2.5 ■ Rappahannock River Railroad Bridge & Structures/ Platform (111-0132-0025)
  - C2.5.1 – Design review of new railroad structures to assure historic resource compatibility
  - C2.5.2 – Historic American Engineering Record (HAER) documentation of extant structures to include measured drawings, large-format photographs, archival research, and the production of HAER report
  - C2.5.3 – Cultural landscape study of the Rappahannock River watershed and historic transportation crossings within the City of Fredericksburg
- C2.6 ■ Bridge/Marye's Mill (Site 44SP0178), Block 49 (Site 44SP0688), and Block 48 (Site 44SP0687)
  - C2.6.1 – Archaeological data recovery at the portions of each site to be impacted by the Project
  - C2.6.2 – Scholarly article discussing the historical and archaeological importance of these three sites

- C2.6.3 – Lecture presented to the general public on the history and archaeology of the three sites
- C2.6.4 – Museum display in new Fredericksburg passenger station to highlight the sites and showcase artifacts retrieved during data recovery
- C2.6.5 – Interpretive sign to be placed within or near Fredericksburg passenger station describing the archaeology of the area
- C2.7     ▪ Fredericksburg Historic District (111-0132)
  - C2.7.1 – Design review of new parking deck and passenger station to assure historic district compatibility
  - C2.7.2 – Development of historic context on the evolution of the rail system in downtown Fredericksburg
  - C2.7.3 – Lecture for the general public on the results of the contextual study on the evolution of the railroad in Fredericksburg
  - C2.7.4 – Abbreviated narrative for use in developing a webpage on the history of the railroad in Fredericksburg, as well as details of the Project
- C2.8     ▪ Earthwork/Jackson's Earthwork (Site 44SP0468)
  - C2.8.1 – Archaeological data recovery at the portion of the site to be impacted by the Project
  - C2.8.2 – Installation of interpretive sign on archaeology and camp life in a location deemed appropriate by NPS-Fredericksburg
  - C2.8.3 – Scholarly article discussing the historical and archaeological importance of the site
- C2.9     ▪ Doswell Historic District (042-5448)
  - C2.9.1 – National Register of Historic Places (NRHP) nomination form for the historic district
  - C2.9.2 – Virginia state historical highway marker on the Doswell Historic District
  - C2.9.3 – Abbreviated narrative for use in developing a webpage on the history of Doswell, as well as details of the Project
- C2.10    ▪ Doswell Depot and Tower (042-0093)
  - C2.10.1 – Historic American Building Survey (HABS) documentation of the tower to include measured drawings, large-format photography, archival research, and production of a HABS report
  - C2.10.2 – Move tower from limits of disturbance to new site adjacent to tracks but outside Project limits
  - C2.10.3 – Interpretive sign on the history of the resource to be placed within or near depot or tower
- C2.11    ▪ Berkleytown Historic District (166-5073)
  - C2.11.1 – Design review of new road structure (Vaughan Road) to assure historic district compatibility
  - C2.11.2 – Oral histories of two individuals with long tenure living or working in district

- C2.11.3 – NRHP nomination form for the historic district
- C2.11.4 – Create text for historic walking tour of district in consultation with Town of Ashland and Ashland Museum
- C2.11.5 – Virginia state historical highway marker on the Berkleytown Historic District
- C2.12 ■ Laurel Industrial School Historic District (043-0292) and Main Building/Robert Styles Building (043-0292-0001)
  - C2.12.1 – Design review of new road structure (Hungary Road) to assure historic district compatibility
  - C2.12.2 – Historic context on late-nineteenth/early-twentieth century reform schools in Central Virginia
  - C2.12.3 – Series of georeferenced, GIS-based overlays to illustrate the evolution of the landscape and road system in this area
  - C2.12.4 – Interpretive sign to be placed within or near Main Building/Robert Styles Building on the history of the resource
- C2.13 ■ Shockoe Valley & Tobacco Row Historic District (127-0344)
  - C2.13.1 – Design review of platform and other station modifications to assure historic district compatibility
  - C2.13.2 – Development of historic context on the association of the slave trade and the RF&P railroad/the downtown Richmond segment of the Virginia Central Railroad and other precursors of the Chesapeake and Ohio/Seaboard Railroad
  - C2.13.3 – Lecture presented to the general public on the association of the slave trade and the RF&P railroad/the downtown Richmond segment of the Virginia Central Railroad and other precursors of the Chesapeake and Ohio/Seaboard Railroad
  - C2.13.4 – Work with City of Richmond and others to create boundaries for a potential slave trade-related historic district in Shockoe Bottom
  - C2.13.5 – Fabrication and installation of a Virginia state historical highway marker documenting the slave trade and nearby associated sites
- C2.14 ■ Main Street Station Parking Lot/Railroad (Site 44HE1098), Railroad/Warehouse (Site 44HE1097), and Warehouse (Site 44HE1094)
  - C2.14.1 – Archaeological data recovery at the portions of each site to be impacted by the Project
  - C2.14.2 – Scholarly article discussing the historical and archaeological importance of these four sites
  - C2.14.3 – Lecture presented to the general public on the history and archaeology of the four sites
  - C2.14.4 – Interpretive sign describing the postbellum and 20<sup>th</sup> century history and archaeology of the area to be placed within or near Main Street Station
- C2.15 ■ Main Street Station and Trainshed (127-0172)
  - C2.15.1 – Design review of platform modifications to assure resource compatibility

- C2.15.2 – Development of historic context on the evolution of the rail system in downtown Richmond
- C2.15.3 – Creation of webpage documenting the evolution of the rail system in downtown Richmond
- C2.16     ▪ Seaboard Air Line Railroad Corridor (127-6271)
- C2.16.1 – Design review of modifications to contributing elements to the district to assure resource compatibility
- C2.16.2 – Development of historic context on railroad depots and associated facilities along the Seaboard Air Line Railroad in Virginia
- C2.16.3 – Document stations and towers that are contributing elements to the Seaboard Air Line Railroad that have not been previously recorded with the Virginia SHPO
- C3       As part of the NEPA process but outside of Section 106, DRPT, in consultation with FRA and the DHR, have committed to the following stipulations regarding the Grave Yard for Free People of Color and Slaves (44HE1203) in Richmond:
  - C3.1 – Completion of a landscape analysis of site 44HE1203 and surrounding area to understand the chronology of area development, including revisiting site boundaries and NRHP eligibility
  - C3.2 – Archaeological testing within the final limits of disturbance in the area of site 44HE1203 to examine the subsurface integrity and ascertain the potential for intact burials
  - C3.3 – Archaeological monitoring by a Secretary of the Interior-qualified archaeologist during all DC2RVA construction-related ground disturbing activities in this area to assure that no unanticipated/undiscovered archaeological or burial remains are encountered during ground-disturbing construction

## D. DESIGN REQUIREMENTS

### MAINTENANCE OF TRAFFIC/GRADE CROSSINGS

- D1       DRPT will develop detailed traffic control plans to minimize construction impacts and coordinate the plans with localities as part of future phases of design for each subproject.
- D2       DRPT will ensure that access will be maintained to all properties, including residential properties, during construction and will be coordinated with first responders.
- D3       DRPT will develop the specific dynamic crossing safety technology to control crossing gates (such as embedded loops or radar) during future design phases of each subproject. At-grade crossing gates are subject to FRA approval at the time of that design.
- D4       For private at-grade crossings, DRPT will coordinate with CSXT and property owners to review or confirm means of access to each property, including specific features of locking gates at each crossing identified for such treatment, during future phases of design affecting each crossing. At-grade crossing treatments are subject to FRA approval at the time of that design.

**PEDESTRIAN/BICYCLE FACILITIES**

- D5 DRPT will continue to work with NPS throughout future phases of design for subprojects to ensure that trail connectivity and functionality are maintained throughout Project construction activities, particularly those that affect the Mount Vernon Trail.
- D6 The DC2RVA Project will address and improve, as necessary, bike/pedestrian safety warning devices at all public crossings along the DC2RVA rail corridor, in keeping with the Project's Basis of Design, ADA requirements, and applicable FRA, Amtrak, CSXT, and VDOT safety standards, as well as local agencies' multimodal plans so as not to preclude any planned bike/pedestrian connections.

**BRIDGE DESIGN**

- D7 DRPT will ensure that future phases of design of major water crossings will, at a minimum, match the existing horizontal and vertical openings of the existing crossings. Construction phasing will address impacts to recreational uses.
- D8 DRPT will coordinate with the Virginia Department of Conservation and Recreation (VDCR) regarding bridge design of any scenic river crossings during future phases of design that include such crossings.
- D9 DRPT will coordinate with Prince William County on the design and aesthetic features of the Occoquan River and Neabsco Creek rail bridges during future phases of design that include the crossings.
- D10 DRPT will coordinate with the City of Fredericksburg on the design and aesthetic features of the Rappahannock River rail bridge during future phases of design that include the bridge.
- D11 DRPT will coordinate with the City of Richmond on the design and aesthetic features of the James River rail bridge during future phases of design that include the bridge.

**UTILITIES**

- D12 DRPT will coordinate with local utilities to identify potential impacts to public water distribution systems or sanitary sewage collection systems during future phases of design.
- D13 DRPT will inform local communities regarding utility impacts and will develop appropriate measures to minimize or mitigate impacts to the community during future phases of design.
- D14 DRPT will coordinate with utility owners, including Dominion Virginia Power, during future phases of design to identify potential conflicts with utilities outside of CSXT right-of-way and to coordinate the location of planned utilities outside of CSXT right-of-way to reduce or eliminate potential future conflicts.
- D15 When funding becomes available and a subproject moves forward into design and construction, DRPT will submit an application to the local health department(s) to relocate any onsite sewage systems that may be impacted by construction.



## **SUSTAINABILITY**

- D16 To the extent practicable, DRPT will apply energy, environmental, and sustainability concepts listed in the LEED Green Building Rating System for facilities during future phases of design.

## **LONG BRIDGE DESIGN COORDINATION**

- D17 DRPT will continue to coordinate the progress and planned connection of the DC2RVA and Long Bridge projects.

## **E. RIGHT-OF-WAY ACQUISITION**

- E1 DRPT will develop details of the construction easements and restoration plans in coordination with public and private landowners during future phases of design for each subproject as they are funded and designed.
- E2 The acquisition of right-of-way and the relocation of displaced persons and businesses will occur for each subproject when funding is available and the subproject moves forward into design and construction. Right-of-way acquisition will be performed by the Virginia Department of Transportation (Right-of-Way Administration office) and conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and 24 Virginia Administrative Code (VAC) 30-41. All rights-of-way for a particular subproject will be acquired before construction activities (including advertising for bids) commence for that segment.

## **F. SUPPLEMENTAL CONSIDERATIONS**

- F1 As funding becomes available for each subproject, DRPT will initiate additional data collection and design for that subproject. Advanced subproject designs will build from the conceptual (10%) designs provided within the Final EIS, and incorporate any additional preliminary engineering or other information developed to assist the advanced design, such as detailed survey data or geotechnical data. During this stage, DRPT will review the conditions in the subproject segment of the corridor, including the built environment, the natural environment, and the human environment. DRPT will review and update as necessary, corridor conditions and environmental consequences and reconfirm potential impacts to environmental resources as identified in the Tier II Final EIS and ROD. If during future phases of design, the Project's or subproject's design or impacts exceed the NEPA commitments established in this ROD, then DRPT will re-evaluate the design and/or the NEPA documentation.

# **RECORD OF DECISION ATTACHMENT D: COMMENTS ON THE TIER II FINAL EIS**



**D.C. TO RICHMOND SOUTHEAST HIGH SPEED RAIL**

# **ATTACHMENT D-1: AGENCY AND ORGANIZATION COMMENTS ON THE TIER II FINAL EIS**





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION III**  
**1650 Arch Street**  
**Philadelphia, Pennsylvania 19103-2029**

July 1, 2019

Mr. John Winkle  
Transportation Analyst  
U.S. Department of Transportation  
Federal Rail Administration  
1200 New Jersey Avenue, SE  
Washington D.C. 20590

Re: Washington, DC to Richmond, Virginia Southeast High Speed Rail Tier II Final Environmental Impact Statement, May 2019 CEQ #20190116

Dear Mr. Winkle,

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the D.C to Richmond High Speed Rail Tier II Final Environmental Impact Statement (EIS). EPA submitted comments on the Draft EIS for the project in correspondence of November 6, 2017. The EIS has been prepared by the U.S. Department of Transportation, Federal Rail Administration and the Virginia Department of Rail and Public Transportation.

We appreciate the additional information included in the Final EIS, the responses prepared to our comments, and the Project Commitments stated at the start of the document. EPA appreciates the clarity, specificity and detail of the Project Commitments on the project. Please find below some recommendations for the Record of Decision and next steps in project development.

- As noted in the document, there are no project-specific regulatory requirements for wellhead drinking water protection areas. We support and encourage taking steps to minimize impacts to designated areas, including using a green infrastructure approach. We suggest including wellhead protection area Best Management Practices (BMPs), defined and included within project commitments. It may be appropriate to explore training delivered to contractors in the field, to be sure that practices (such as pesticide application in wellhead protection areas) are understood.
- To minimize impacts and increase sustainability of key resources such as surface water, groundwater and drinking water, we would like to offer additional resources in stormwater management efforts. The following are some weblinks to EPA's green infrastructure guidance and smart growth planning:  
<https://www.epa.gov/green-infrastructure>  
<https://www.epa.gov/smartgrowth/smart-growth-and-water>
- As the project moves forward, we encourage you to identify and take further action to reduce construction dust.

- We encourage you to support local impacted communities, to the extent practicable, in the planting of trees, support of community gardens and increasing parks and walkways.
- We suggest that you work with potentially-impacted communities, particularly sensitive receptors such as schools or daycares, to develop a comprehensive communication plan, to allow notification of construction schedule.
- We would be pleased to work with you to develop Environmental Justice and community coordination methodologies for use as this project moves forward.
- Please continue to coordinate with the team working on development of the Long Bridge project. It is suggested that coordination be addressed in the Project Commitment summary.

Please continue to work with EPA and other stakeholders as the project progresses through the Record of Decision, permitting and design stages. We suggest efforts to avoid and minimize impacts to the community and natural environment and close coordination with the public continue as the project moves forward. Thank you for providing EPA with the opportunity to review this project. If you have questions regarding these comments, the staff contact for this project is Ms. Barbara Okorn; she can be reached at 215-814-3330.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Barbara Rudnick', with a long horizontal flourish extending to the right.

Barbara Rudnick  
NEPA Program Coordinator  
Office of Communities, Tribes & Environmental  
Assessment

cc: U.S. Army Corps of Engineers





**DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1011**

July 15, 2019

Special Projects Regulatory Section  
NAO-2014-01959  
Washington, DC to Richmond, Virginia Southeast High Speed Rail Project

U. S. Department of Transportation  
ATTN: Mr. John Winkle  
USDOT Federal Railroad Administrator  
1200 New Jersey Avenue SE  
Washington, DC 20590

Virginia Department of Rail and  
Public Transportation  
ATTN: Ms. Emily Stock  
600 East Main Street, Suite 2102  
Richmond, VA 23219

Dear Mr. Winkle and Ms. Stock:

This letter provides comments on the Tier II Final Environmental Impact Statement (FEIS) prepared for the Washington, D.C. to Richmond, Virginia Southeast High Speed Rail Project (DC2RVA). The FEIS was prepared by the U. S. Department of Transportation Federal Rail Administration (FRA) and the Virginia Department of Rail and Public Transportation.

The U.S. Army Corps of Engineers (USACE) has reviewed the FEIS, including the responses provided to our comments on the Draft EIS provided in the letter dated November 6, 2017. We appreciate the detail in your responses to our comments and concerns. We have the following minor comments and/or recommendations:

1. Based on the lapse of time before funding becomes available and other factors, there is the potential that a new delineation might be required and/or verification that there have been no changes to previously delineated aquatic resources when submitting a jurisdictional determination request. As a reminder, jurisdictional determinations once confirmed by USACE are valid for five years.

As noted in the FEIS, DRPT will coordinate for wetland functions and values and Unified Stream Methodology (USM) results for verification prior to the permitting process Appendix B1 (B-23). To ensure sufficient field review for a project of this nature, we highly recommend allowing a very generous timeframe for this coordination and procuring the jurisdictional determination well in advance.

2. We understand the constraints until funding becomes available; however, as you advance to the next level of design, to the extent possible, we recommend continued collaboration with USACE. As acknowledged in Chapter 7, Section 7.8, we recommend early planning with the appropriate branches of USACE for any required Section 408 permissions. We also recommend early coordination in all permit application submittals for a project of this magnitude. When submitting phased permit applications, please note that USACE for each submittal must have logical termini (independent utility), for instance, from station to station.
3. In FRA's response to USACE comments on the DEIS, Appendix B1, (B-21), and as noted in EPA's comment (11), (B-10), FRA notes that after funding becomes available, "*the functions, values, and condition of wetlands and the availability of mitigation sites will be evaluated.*" While USACE acknowledges that there are funding constraints we do recommend to research this early as there are limited to no credits available in some of the watersheds.

The FEIS correctly notes that compensation for impacts to jurisdictional waters and wetlands will be required in accordance with the Mitigation Rule (33 CFR Parts 325 and 332), which indicates a preference for using credits from mitigation banks; use of Virginia Aquatic Resources Trust Fund, an in-lieu fee program, and permittee-responsible mitigation are other potential options. We recommend that the project proponent remain informed about credit availability if the project goes forward to permitting, in order to be prepared to propose adequate and appropriate compensation.


4. We look forward to continuing to work with you throughout the permit review stages and identification of additional avoidance and minimization measures and design considerations. We appreciate the stated commitments noted in Chapter 5, Section 5.1.6.1 and throughout the FEIS. While avoidance and minimization of wetlands and streams has been an important consideration in your identification of the Preferred Alternative, impacts to aquatic resources are substantial. Wetland impacts are estimated at approximately 24 acres, and stream impacts are estimated at approximately 30 thousand linear feet. As the project development continues, further measures to avoid and minimize impacts to streams and wetlands should be evaluated, incorporated wherever practicable, and documented for the record.

To re-affirm what was previously noted in our earlier comments, in accordance with the 404(b)(1) Guidelines, USACE can authorize only the least environmentally damaging practicable alternative (LEDPA). In addition to wetland and waters impacts, we must consider factors such as economics (including displacements of homes and businesses), floodplain hazards and values, water supply and conservation, water quality, safety, cost, economics, threatened and endangered species, historic and cultural resources, and environmental justice. As part of our public interest review, we will consider operability and constructability, cost, and impacts to the social/economic factors as well as the natural environment in our identification of the LEDPA further in our permit review process. It is also important to note that we will consider all comments from the public, including our Federal Advisories, in making a final determination of the LEDPA as part of our permit decision.

A copy of this letter will be sent to: National Marine Fisheries Service, Gloucester, MA, U. S. Fish and Wildlife Service, Gloucester, VA, Environmental Protection Agency, Region III, Philadelphia, PA, NOAA Fisheries Service, Gloucester Point, VA and Virginia Department of Environmental Quality, Richmond, VA.

We appreciate the opportunity to comment on the Tier II FEIS. Should you have any questions about our comments, please contact me at 757-201-7832 or email at [lee.a.fuerst@usace.army.mil](mailto:lee.a.fuerst@usace.army.mil).

Sincerely,

A handwritten signature in cursive script that reads "Lee A. Fuerst".

Lee Fuerst  
Environmental Scientist  
Special Projects, Regulatory Section



**DEPARTMENT OF TRANSPORTATION  
AND ENVIRONMENTAL SERVICES**

**P.O. Box 178 - City Hall  
Alexandria, Virginia 22313  
703.746.4025**

**alexandriava.gov**

July 3, 2019

Emily Stock  
Manager of Rail and Planning  
Virginia Department of Rail and Public Transportation  
801 East Main Street, Suite 1000  
Richmond, VA 23219

Re: DC2RVA Final Environmental Impact Statement (EIS)

Dear Ms. Stock:

City of Alexandria staff appreciates the Department of Rail and Public Transportation (DRPT) response to the City's comments and questions on the draft Environmental Impact Statement (EIS) and in the Responses to Local Agency Comments in the Final EIS.

The City of Alexandria supports designation of Alexandria Union Station as the Northern Virginia terminus of the DC2RVA project. However, as our comments make clear, the City remains concerned about potential noise and vibration impacts both during construction and upon completion. Similarly, additional right-of-way impacts – though not expected – would be problematic to numerous residential neighborhoods adjoining the proposed corridor.

Regular and meaningful coordination throughout the Final Design process between the City, DRPT, Federal Railroad Administration, WMATA, and VRE will be integral to successful outcomes for all parties.

Again, we thank you for accepting our comments for the record and look forward to working with you through project development.

Sincerely,

A handwritten signature in blue ink, appearing to read "Yon Lambert", is written over a horizontal line.

Yon Lambert, AICP  
Director

cc: Mark B. Jinks, City Manager



# Town of Ashland

*Center of the Universe*

101 THOMPSON STREET  
P.O. BOX 1600  
ASHLAND, VIRGINIA 23005-4600

TELEPHONE (804) 798-9219  
FAX (804) 798-4892

June 28, 2019

Emily Stock  
Manager of Rail Planning  
DRPT  
600 East Main Street, Suite 2102  
Richmond, VA 230219

STEVEN P.  
TRIVETT  
MAYOR

JOHN H.  
HODGES  
VICE-MAYOR

GEORGE F.  
SPAGNA, JR.  
COUNCIL MEMBER

KATHLEEN K.  
ABBOTT  
COUNCIL MEMBER

DANIEL W.  
MCGRAW  
COUNCIL MEMBER

JOSHUA S.  
FARRAR  
TOWN MANAGER

ANDREA E.  
ERARD  
TOWN ATTORNEY

MATTHEW G.  
REYNAL  
CLERK OF COUNCIL

RE: Official Town of Ashland Comments on the DC2RVA FEIS

Ms. Stock,

Thank you for the opportunity to comment on the FEIS. Most, if not all, of our technical comments were submitted as part of the DEIS process, and we appreciate DRPT's detailed efforts to provide responses to those comments. In an effort not to duplicate the comments sent as part of the DEIS I will summarize our thoughts on the FEIS as follows:

- The Town believes several decisions made as part of the Tier One study of the corridor were short sighted. In particular, any decision to continue reliance on diesel trains on shared use tracks may well meet the limited purpose and need of the study, but does not meet the current and long term transportation needs of the Commonwealth of Virginia and it's citizens and businesses.
- As DRPT moves forward with more detailed engineering of the grade separated crossings at Vaughan Road and Ashcake Road; the Town would appreciate participating as a partner in the planning, design, and engineering process to assist in limiting negative impact on the community while also coordinating the improvements with the long term land use plans in the surrounding areas. In particular, the Town has plans for much of the area north of Vaughan Road on the west side of the railroad tracks.
- Section 7.3 states, "The SDP discusses the location of the stations to be served under the Preferred Alternative, how these stations will accommodate the proposed service (for example, with amenities such as checked baggage handling or parking), how passengers will access those stations, and how these stations will be integrated with connections to other modes of transportation." The Town would expect to be included in the planning and development of the SDP for the Ashland Station.



- The Town appreciates the inclusion of language which states “If DRPT determines that additional rail capacity is needed in Alternative Area 5 to meet the performance standards required for additional passenger trains, DRPT shall conduct a new study based on updated information.” We will rely upon this language to protect our interests once construction begins on improvements in Alternative Area 5, as well as at such time as DRPT and the FRA determine the 3-2-3 alignment is too much of a bottleneck based on future growth.
- Finally, the Town continues to be concerned that adoption, planning and implementation of the Preferred Alternative 3-2-3 alignment in Alternative Area 5 will inevitably lead to the addition of a third track through Town subsequent to the current DC2RVA process. If DRPT and the FRA are going to continue to rely on existing rail technology rather than looking to alternative technologies to meet future needs we must re-iterate that the only alternative considered throughout the entire process that would meet future capacity needs, and would have received unanimous support of the Citizen Advisory Committee, is the Deep Bore Tunnel option.

Once again, we appreciate the opportunity to share our thoughts and concerns. Attached to this letter is a resolution adopted by the Ashland Town Council on June 18, 2019 which expresses the concerns and positions of the elected representatives of the community.

Respectfully,



Joshua S. Farrar  
Town Manager  
Town of Ashland, VA

**RESOLUTION OF THE ASHLAND TOWN COUNCIL  
REGARDING THE TIER II, FINAL ENVIRONMENTAL IMPACT  
STATEMENT (EIS), WASHINGTON, D.C., TO RICHMOND,  
VIRGINIA, RAIL IMPROVEMENTS**

*WHEREAS as part of the National Environmental Policy Act (NEPA) process to consider ways to improve intercity passenger rail service in Virginia entitled “**DC to Richmond Southeast High Speed Rail**” (DC2RVA), the Ashland Town Council passed three resolutions (July 5, 2016, January 6<sup>th</sup> and October 20, 2017), expressing Town concerns to the Virginia Department of Rail and Public Transportation (DRPT), the Federal Railroad Administration (FRA) and the Committee established to re-examine options for the DC2RVA project in the Ashland area so that the citizens of Ashland and surrounding areas would be offered the opportunity to view and recommend viable options; and*

*WHEREAS the information reviewed by the Committee and DRPT reinforced that any type of a third track constructed “at grade” through Ashland would:*

- (1) dramatically impact the economic vitality and historic character of the Town and severely restrict vehicular and pedestrian access for many of the existing homes and businesses on Center Street in the heart of town,*
- (2) restrict access to Randolph-Macon College and fundamentally damage the usability, quality and safety of its historic campus,*
- (3) impose additional restrictions on vehicles and pedestrians moving in the east-west corridors through the Ashland; and*

*WHEREAS while the Tier II Final Environmental Impact Statement (FEIS) published in May 2019 by the FRA identifies the continued use of two main tracks through Ashland, with one additional track eventually being constructed to the north and south of Ashland, together with the construction of grade separated crossings at Vaughan Road and Ashcake Road, as a viable method for meeting the DC2RVA project’s service and performance goals, the “3-2-3 Alternative” , however:*

- *the Tier II FEIS clearly states that the “3-2-3 Alternative” increases the average vehicle delay for the England Street/Thompson Street crossing from 12 cumulative hours per day in 2015, to 41 cumulative hours per day in 2045, thereby creating the “wall of trains” effect and a project bottleneck; and*
- *the Tier II FEIS clearly explains that the “3-2-3 Alternative” will fail when it says, “operation simulation for year 2045 estimated that having only two main tracks in Fredericksburg and/or Ashland failed to dispatch (i.e., the operations simulation concluded that the infrastructure had insufficient capacity for the number of trains projected to operate in the corridor in year 2045);” and*

*WHEREAS the Ashland Town Council:*

1. *Expresses its appreciation for the extra efforts provided by the Virginia Department of Rail and Public Transportation, the Commonwealth Transportation Board and the Federal Railroad Administration to address concerns raised by the Town;*
2. *However, the Council believes the “3-2-3 Alternative” represents a temporary solution that helps achieve moderately higher speed passenger travel on a heavily used freight right of way, but leaves a cloud of uncertainty over the capacity of the Town’s portion of the right of way to accommodate projected demand for freight and passenger travel without practical alternatives due to future growth surrounding the Town potentially making a third track through downtown Ashland the only feasible long term alternative ensuring the future destruction of downtown Ashland; and*

*NOW THEREFORE BE IT RESOLVED that the Town Council urges the DRPT and FRA to continue to evaluate options for true “High Speed” passenger transportation for the whole DC to Richmond Corridor that would preclude the projected adverse impacts of the “3-2-3 Alternative” on the Town and would include a strategic focus on new passenger transportation technologies that do not mandate the use of a 19<sup>th</sup> Century shared freight corridor or the use of fossil fuel engines; and*

*AND BE IT FURTHER RESOLVED that the only option presented by DRPT through the Environmental Impact Study process that the Town of Ashland would consider a viable alternative in the future using only existing right of way is the Deep Bore Tunnel; and*

*AND BE IT FURTHER RESOLVED that the Town of Ashland will work with all community, state, and federal entities to continue to collaborate and fully explore any and all alternatives that have the potential to meet the stated goal of providing high speed intercity passenger rail service in Virginia without the projected adverse impacts of the project on the Ashland community, as well as new technologies that have the potential to significantly enhance both freight and passenger transportation.*

	Vote:
Steve Trivett:	Aye
John Hodges:	Aye
George Spagna:	Aye
Kathy Abbott:	Aye
Daniel McGraw:	Aye

*Certified to be a true copy of a resolution adopted by the Ashland Town Council by a 5-0 vote on June 18, 2019*



---

Matthew G. Reynal, Clerk of Council

**BOARD OF SUPERVISORS**

**W. CANOVA PETERSON, CHAIRMAN**  
MECHANICSVILLE DISTRICT

**SCOTT A. WYATT, VICE-CHAIRMAN**  
COLD HARBOR DISTRICT

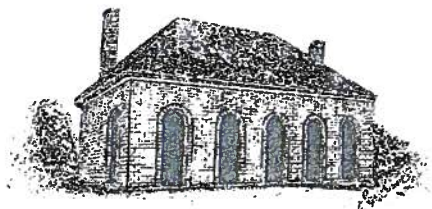
**SEAN M. DAVIS**  
HENRY DISTRICT

**WAYNE T. HAZZARD**  
SOUTH ANNA DISTRICT

**ANGELA KELLY-WIECEK**  
CHICKAHOMINY DISTRICT

**FAYE O. PRICHARD**  
ASHLAND DISTRICT

**AUBREY M. STANLEY**  
BEAVERDAM DISTRICT



*HANOVER COURTHOUSE*

**HANOVER COUNTY**

ESTABLISHED IN 1720

**CECIL R. HARRIS, JR.**  
COUNTY ADMINISTRATOR

**FRANK W. HARKSEN, JR.**  
DEPUTY COUNTY ADMINISTRATOR

**KATHLEEN T. SEAY**  
DEPUTY COUNTY ADMINISTRATOR

**JAMES P. TAYLOR**  
DEPUTY COUNTY ADMINISTRATOR

WWW.HANOVERCOUNTY.GOV

P.O. BOX 470, HANOVER, VA 23069  
7516 COUNTY COMPLEX ROAD, HANOVER, VA 23069

PHONE: 804-365-6005  
FAX: 804-365-6234

July 2, 2019

Jennifer Mitchell  
Director, Virginia Department of Rail & Public Transportation  
600 E Main Street  
Richmond, VA 23219

Paul Nissenbaum  
Associate Administrator for Railroad Policy and Development  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Ms. Mitchell & Mr. Nissenbaum:

On behalf of the Hanover County Board of Supervisors, I would like to thank you for all the time and effort put forward to complete the Tier II Final Environmental Impact Statement (FEIS) and Final Section 4(f) evaluation. Hanover County supports the finding that Alternative 5A is the best for our respective section of this project. The two new grade separation crossings at Vaughan Road/Archie Cannon Drive and Ashcake Drive will help alleviate the effects of additional trains along this section. This alternative is also consistent with one of the least objectionable alternatives adopted by the Community Advisory Committee (CAC), which was convened to specifically evaluate this section of the corridor.

We also appreciate efforts to work with our citizens within and adjacent to the Town of Ashland to insure, as the FEIS states, that this alternative "provides sufficient railroad capacity to support the purpose and need while having the least impact on property, wetlands and other natural resources, historic and cultural resources, and the built environment". Hanover County supports that conclusion as it is consistent with our comments on the DEIS.

Again we appreciate all the efforts put forth to reach this very difficult conclusions and look forward to working with you as this project proceeds.

Sincerely

W. Canova Peterson, Chairman  
Hanover County Board of Supervisors

Cc: John Winkle, Transportation Analyst, U.S. Department of Transportation  
Michael McLaughlin, Chief of Rail Transportation, Virginia Department of Rail & Public Transportation  
Emily Stock, Project Manager, Virginia Department of Rail & Public Transportation  
Steve Trivett, Mayor, Town of Ashland



July 1, 2019

Ms. Emily Stock  
Manager of Rail Planning  
Virginia Department of Rail and Public Transportation  
info@DC2RVArail.com

BY EMAIL

**Re: Comments on Tier II Final EIS for Washington, DC to Richmond High-Speed Rail**

Dear Ms. Stock:

The Southern Environmental Law Center would like to provide the following comments on the Tier II Final Environmental Impact Statement (EIS) for the Washington, DC to Richmond High-Speed Rail (DC2RVA) project. SELC is a non-partisan, non-profit organization that works throughout Virginia to promote transportation and land use decisions that strengthen our communities, protect our natural resources, and improve our quality of life. This includes a focus on developing a cleaner transportation system and providing Virginians with a broader range of transportation choices.

We strongly support enhancing passenger and freight rail in the Commonwealth, and we have long supported efforts to provide fast, frequent, and reliable passenger rail service in the critical Washington, DC to Richmond corridor. The DC2RVA corridor is central to the movement of people and goods throughout Virginia, and is both a crucial segment of the Southeast High Speed Rail Corridor and a key connector to the Northeast Corridor. As the Final EIS makes clear, the DC2RVA project would provide many important benefits, including increasing travel options and reducing congestion in this vital transportation corridor, reducing greenhouse gas emissions, and encouraging more compact development patterns. It would also provide a backbone for a larger network of efficient transportation options such as local transit and light rail. Improving the DC2RVA corridor must be a top priority for the Commonwealth to meet the evolving transportation needs of our residents and businesses, as well as to advance Virginia's goals of reducing transportation pollution.

In the Final EIS, we support many of the decisions that have been made in selecting the Preferred Alternative, including the focus on keeping improvements primarily within existing right-of-way, the selection of the two-station solution in Richmond focusing on upgrading the existing Main Street and Staples Mill Stations, and the decisions to not pursue destructive new bypasses around Fredericksburg and Ashland that would have had significant adverse effects on habitat, wetlands, and agricultural lands.

We also appreciate the inclusion in this Final EIS of additional information about the estimated costs of the DC2RVA project (both overall and by section), potential federal and state funding sources, and the potential prioritization of these improvements. As the Final EIS acknowledges, completing this \$5.6 billion project will require significant time and coordination, and it is imperative to provide decision-makers and the public with a fair picture of the remaining steps that will be needed to get us there.

The benefits of the DC2RVA project would be substantial. In addition to greatly expanding rail service by accommodating 18 additional intercity passenger trains (9 round trips) each day, the Final EIS shows that the Preferred Alternative is expected to significantly improve on-time performance for passenger trains in the corridor—easily exceeding the 90% on-time performance target.<sup>1</sup> It is also expected to achieve these enhancements to passenger rail with minimal effects on the corridor’s freight services.<sup>2</sup> Of course, there are a number of variables impacting on-time performance, and even if the DC2RVA project is fully implemented the Commonwealth will need to be vigilant and aggressive in ensuring that on-time performance targets are met.

The Final EIS further estimates that the Preferred Alternative will remove up to 2,700 vehicles per day (and 322,000 vehicle miles per day) from the parallel I-95 and U.S. Route 1 corridors, equating to a net reduction of approximately 3 million gallons of fuel per year being consumed in the corridor.<sup>3</sup> The DC2RVA project will also have significant economic and land use benefits, including encouraging transit-oriented development in the vicinity of the corridor’s rail stations. To further augment these benefits, as the DC2RVA project moves forward we strongly encourage continuing consideration of the electrification of rail lines in this corridor, as well as additional opportunities to improve public transit connections to key rail stations.

That being said, the Preferred Alternative would still result in adverse effects in a number of areas along the corridor, and as this project advances to the permitting and final design stages we also urge continuing consideration of additional refinements and mitigation measures that can further avoid or minimize these impacts. Some particular areas in which this further review is needed include anticipated noise impacts on environmental justice communities in the corridor (which the Final EIS found to be disproportionately high in a number of areas), as well as the Preferred Alternative’s remaining impacts on wetlands, streams, and habitat for endangered and threatened species.

Given the Preferred Alternative’s alignment through many existing and long-standing communities, it also has the potential to adversely affect historic and cultural resources in several locations. We appreciate the significant attention paid to these effects in the Final EIS, including recent efforts to address concerns raised by SELC and a number of other groups during this EIS process about the need to further study potential impacts in the vicinity of Richmond’s Main Street Station on the Lumpkin’s Jail/Devil’s Half Acre site and nearby burial grounds in Shockoe Bottom associated with enslavement history. Along these lines, we support the commitments identified in the Final EIS and Section 106 Draft Memorandum of Agreement to, among other things, further research and develop a historic context for this area, increase public awareness of

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<sup>1</sup> Final EIS App. I, *DC2RVA Recommendation Report* at 3-2 et seq. (showing estimated improvements in on-time performance for Amtrak passenger trains from between 69.6 and 82.3% in the 2045 No-Build scenarios to well over 90% in the 2045 Build scenarios for the Preferred Alternative).

<sup>2</sup> *Id.* (showing a 2.4-minute decrease in freight train minutes of delay per 100 train-miles in the 2045 Build condition for the Preferred Alternative when compared to the 2045 No-Build condition for the DC2RVA corridor-specific analysis, and a 2.6-minute increase for this factor in the broader network-wide analysis).

<sup>3</sup> See Final EIS at 5-24 (estimating that the avoided automobile trips would have consumed approximately 5.3 million gallons of fuel per year, compared to an estimated 2.3 million gallons of fuel anticipated to be consumed by the additional intercity passenger trips resulting from the project).

its significance, and pursue the establishment of a potential historic district associated with the slave trade in Shockoe Bottom.

Finally, as we have noted in prior comments, we continue to have concerns with the proposal in the Preferred Alternative to shift more of the national trains through Richmond (with the exception of Amtrak's Auto Train) over to the S-Line, and ceding nearly all of the passenger rail access to the A-line around downtown. Based on our understanding, shifting to the S-Line could cost Virginia a significant amount of funds for train slots and infrastructure maintenance it does not have to pay for the A-Line. In addition, while it has been noted that this proposed shift would not *preclude* future use of the A-Line by passenger trains if there end up being problems with the S-Line routing, it seems likely that it will be much harder to recover these slots on the A-Line for this passenger service once they have been given up to make way for additional freight traffic. For a number of reasons, it makes sense to maintain access to the A-Line and incrementally increase routing via the S-Line.

Thank you for your consideration of these comments, as well as the significant time and effort that have gone into this study. We look forward to continuing to work with DRPT to improve this important corridor as this project advances.

Sincerely,

A handwritten signature in black ink, appearing to read "Trip Pollard".

Trip Pollard  
Senior Attorney

A handwritten signature in black ink, appearing to read "Travis Pietila".

Travis Pietila  
Staff Attorney



*Showcasing the rich historical and cultural heritage of our town of Ashland, Virginia*

June 30, 2019

Ms. Jennifer Mitchell  
Director  
Virginia Department of Rail & Public Transportation  
600 East Main Street, Suite 2102  
Richmond, VA 23219

Re: Comments on Final EIS, Washington, D.C. to Richmond Southeast Rail Project

Dear Ms. Mitchell:

The Ashland Museum continues to endorse the comments from the Town of Ashland.

We hope you understand that your decision will affect the economic vitality and quality of life in Ashland *immediately*, not just beginning in 2045 or when funds become available for the project.

Ashland, Randolph-Macon College and the surrounding area are not sustainable with an at-grade third rail through Town nor with a wall of trains running through or around Town. We encourage you to look at solutions and technologies that will be practical beyond 2045. It makes no sense to increase the number of trains stopping in Ashland when there won't be a community here to support increased rail ridership.

The Richmond, Fredericksburg and Potomac Railroad choose to built Ashland. It would be sad if 200 years later another railroad decided to demolish the area.

Sincerely,

Ellen Wulf  
President, Board of Directors  
Ashland Museum

Betsy Hodges  
Administrator  
Ashland Museum

## **ATTACHMENT D-2: PUBLIC COMMENTS AND RESPONSES**



**D.C. TO RICHMOND SOUTHEAST HIGH SPEED RAIL**

RESPONSES TO GENERAL PUBLIC COMMENTS ON THE TIER II FINAL EIS

Citizen Comment(s)	Response Sent
<p>I am writing in support of the final environmental impact statement for the DC2RVA segment of the Southeast high speed rail project.</p> <p>I request that the FEIS be finalized so that the project may move forward to construction</p>	<p>No response required.</p>
<p>The existing AMTRAK program is and has been in debt for years and the taxpayer foots the bill to keep it running. AMTRAK needs to be shut down or privatized. I can see the trains pass between Quantico and Fredericksburg daily and the cars are empty. Just like the FRED busses in Fredericksburg are empty and continue to run for the benefit of the few Mary Washington indigent high rollers. How can anyone continue to spend taxpayer money on these studies for a high speed rail when the existing AMTRAK isn't used? I consider this entire effort a contender for the waste/fraud/abuse award for 2019 and everyone associated with it should be prosecuted. Please provide the FOIA entity I can contact to get dollars spent to date on this entire effort so we can get started.</p>	<p>Thank you for your recent inquiry. The DC2RVA Environmental Impact Statement and Preliminary Engineering project has cost approximately \$44 million to date. The FOIA contact for the Virginia Department of Rail and Public Transportation is Chris Smith. His contact information is pasted below.</p> <p><a href="mailto:chris.smith@drpt.virginia.gov">chris.smith@drpt.virginia.gov</a></p> <p>(804) 225-3930 600 East Main Street, Suite 2102 Richmond, VA 23219</p>
<p>For the Ashland "3-2-2" proposal, can you clarify where the proposed third rail will be constructed, east side or west side of existing tracks, between the Elmont switching station and Ashcake Road section just south of Ashland? The latest illustration for option 5A looks somewhat confusing. Would you happen to have clarification or a more detailed picture of what the track changes might look like?</p>	<p>The proposed third rail south of Ashland and Ashcake Road will be constructed on the east side of the existing tracks as indicated by the Permanent Limits of Disturbance shown in Final EIS Appendix L, Area 5 on Sheets 163 and 164. South of Gwathmey Church Road, the proposed third rail shifts from the east to the west side of the existing tracks as indicated by the Permanent Limits of Disturbance shown in Appendix L, Area 5 on Sheet 165. The proposed third rail will be constructed on the west side of the existing tracks from south of Gwathmey Church Road to south of Elmont Road as indicated by the Permanent Limits of Disturbance shown in Appendix L, Area 5 on Sheets 166 and 167. These sheets are provided at the level of detail available at the conceptual level required for an environmental document.</p>
<p>These are my personal comments only. They are made also before reading the final document but after attending several public hearings. They are also based on my 60 years of design and construction experience with rail and highway infrastructure. The three track trench is the best long term alternative for Ashland.</p> <ol style="list-style-type: none"> <li>It significantly reduces at-grade crossings thereby greatly improving safety to citizens.</li> <li>It is the fastest and most efficient segment between DC and RVA.</li> <li>It provides some protection to the Town from incidents on rail such as fire or explosions.</li> <li>It retains most of the attractiveness and accessibility of the town center.</li> </ol>	<p>Thank you for your comment. The Virginia Department of Rail and Public Transportation (DRPT) carefully reviewed each comment, concern, and request received from citizens during the Draft EIS comment period. Appendix C of the Final EIS provides detailed responses to general public comments, including comments similar to yours. To find answers to these comments, please refer to Appendix C I (Index to General Public Comments), which lists the questions that DRPT responded to. The intent of this index is to provide a way to easily browse all questions that were asked by the general public and locate detailed responses by topic. For your comments, please refer to the "Public Involvement" and "Ashland Area Alternatives" sections of Appendix C. Specifically, detailed responses are provided on the following topics:</p> <p>"What was the outcome of the Ashland CAC after the publication of the Draft EIS" – Response #3 on Page C2-16.</p> <p>"Support for options not evaluated in the Draft EIS", including "Tunnel beneath the Town of Ashland" – Response #2b on Page C2-23.</p> <p>Additionally, please refer to Appendix G of the Final EIS is the Final Summary Report of the Town of Ashland/Hanover County Area Community Advisory Committee.</p>



Citizen Comment(s)	Response Sent
<p>On November 6, 2017 I submitted comments on the Draft EIS. I have been unable to find responses to my comments in the comments response sections of the EIS. Would you please direct me to the pages in the EIS where my comments are addressed?</p>	<p>The Virginia Department of Rail and Public Transportation (DRPT) carefully reviewed each comment, concern, and request received from citizens during the Draft EIS comment period and compiled them into broad subject matter categories, which are listed on Page C-1 of the Final EIS (Appendix C: Detailed Responses to General Public Comments). In accordance with 40 CFR 1503.4, the comments presented in Appendix C convey the substance of the comments made and condense numerous similar comments together into a single topic. For that reason, the compilation does not always quote comments from individuals verbatim, nor does it list citizens by name.</p> <p>To find answers to comments, please refer to Appendix CI (Index to General Public Comments), which lists the questions that DRPT responded to for each of the subject matter categories. The intent of this index is to provide a way to easily browse all questions that were asked by the general public and locate detailed responses by topic.</p> <p>For your comments, please refer to the “Purpose and Need” and “Proposed Train Service/Operations/Schedule” sections of Appendix C. Specifically, detailed responses are provided on the following topics:</p> <p>“The Purpose and Need is based on an analysis of the current Need for the Project. However, the Draft EIS stated that the Project would be constructed between 15 and 25 years from now and the projections of the demand for enhanced passenger rail and freight service are presented for between 2025 and 2045—neither of which are current.” – Response #7 on Page C2-5.</p> <p>“Concerns about rail technology assumed and/or evaluated in the Draft EIS.” – Response #4 on Page C2-9.</p> <p>“Concerns about freight service.” – Response #6 on Page C2-10.</p>
<p>I'm a resident of the Richmond area and have been so for 20+ years. As someone who has been in positions that often requires travel the train is generally my last option as the service is generally unreliable not necessarily the most affordable in many cases not convenient nor the fastest mode of transportation. After returning from another trip to Europe having experienced their train service in both Spain and Switzerland I got to wondering why is it that our trains are stuck in the 1950s. Also I recently had to pick up my parents at the Staples Mill station as they were coming up from Charlotte. That trek took over 6 hours. I could drive that route faster and it would be more affordable. Which got me to thinking why would anyone ride our current train service with the exception of those who cannot drive? Additionally it became abundantly clear to me on my return trip from Europe how much the US citizens are at the mercy of our airline carriers and in particular those of us who do not live in the NFL cities. Our regional plane from IAD to RIC was delayed 5 hours for multiple reasons and flights out of smaller cities often increase the fare my 2x. Having a cost effective and reliable alternative to get to major metro airports (DC RTP Charlotte) would be a blessing for those of us who do not live in DC NYC etc. (Although that isn't necessarily the market high speed trains would be targeting as that doesn't include much in terms of daily ridership). So I have spent some time reading the proposal on your website. I've also</p>	<p>Thank you for your comment. The Virginia Department of Rail and Public Transportation (DRPT) carefully reviewed each comment, concern, and request received from citizens during the Draft EIS comment period. Appendix C of the Final EIS provides detailed responses to general public comments, including questions similar to yours. To find answers to these comments, please refer to Appendix CI (Index to General Public Comments), which lists the questions that DRPT responded to. The intent of this index is to provide a way to easily browse all questions that were asked by the general public and locate detailed responses by topic.</p> <p>For your comments, please refer to the “Proposed Train Service/Operations/Schedule” and “Corridor Options Not Evaluated in the Draft EIS” sections of Appendix C. Specifically, detailed responses are provided on the following topics:</p> <p>“The passenger trains proposed by the Project should go faster. This is not true high speed rail that other countries have.” – Response #3 on Page C2-8</p> <p>“Concerns about the technology assumed and/or evaluated in the Draft EIS” - Response #4 on Page C2-9</p>

Citizen Comment(s)	Response Sent
<p>started reading the Reasons.org paper from a few years ago. They are funded by someone who opposes this but it is always good to understand the other side. Obviously I'm late to the conversation and your study is very thorough (voluminous) and I have a ways to go so it is difficult to quickly understand the various inputs and decisions so a few questions:</p> <p>1) the one thing that jumps off the page to me is why the plans are to only support speeds of 90 MPH? Seems like we are placing a lot of time effort and citizen's money into building a 1970's Plymouth Volare and not a 2050 Telsa Voyager (or whatever a 2050 Telsa would be named). From what I can tell the goals of 110MPH were set 20 years ago. We should be looking at 200MPH. We spend billions on roads repaving widening reworking etc etc. Why not redirect a large portion of that to rail for a small window of time and do the job right? If you want people to stop driving you need better than 90 MPH. 90 MPH is a recipe for failure right out of the gate if the goal is to solve the problems listed on Page 4 of the executive summary. If you want me to take the train I need to be able to drive 15 miles to the train station have it be on time and deliver me to downtown DC in an hour so I can take a Metro/Uber to my final destination. Otherwise I'm driving.</p> <p>2) In the executive study there is a lot of info about multi modal. Great but do we really need to bake the freight service into this? I've seen this before in the technology industry. Trying to solve too many problems with a single solution....ends up being a solution that is substandard for all problems. Maybe removing passenger service from the freight tracks alone would be enough for the freight trains to operate more efficiently...and that would be enough. Furthermore how does multimode solve some of the delay issues caused by sharing tracks?</p> <p>3) As I was driving north last week (not taking the train) I really noticed how much open right of way exists in the middle of I-95. Why not take advantage of that (much like we have metro trains in the middle of I-66 in NOVA) and just build a passenger only solution capable of 200MPH right down the middle of I-95? Is it a technical limitation that prevents this? The bridges over the tracks are mostly in place so I'm assuming it would be safer (fewer small roads and chances for train/auto crashes). Certainly some alterations would need to be made in some places to make room - and we are constantly working on I95 so there would be plenty of opportunities to move I-95 in places required to make room for the trains..but it seems you could fit two tracks i place from the Woodbridge to Ashland for the most part.</p> <p>4) Cost study. Looking at the various proposed solutions I'm seeing construction cost of approximately \$36M per mile \$50M per mile (near DC) \$22M per mile etc. Shouldn't that type of money get us a new 200MPH track? Just seems those costs are extremely high for the return on investment. This is not a mountainous area. Pretty flat. Need a few bridges but it is not as if we are boring tunnels through mountains. If rural Interstate Highways cost \$2-3M per mile to build in the US...why is rail 10-25X more expensive? Can't be the materials cant be the construction equipment...so what is it?</p>	<p>"Concerns about freight service" - Response #6 on Page C2-10</p> <p>"Did the Project consider moving all freight rail away/separate from passenger rail?" - Response #2 on Page C2-20</p> <p>"Did the Project consider rail in the I-95 corridor right-of-way and/or within powerline right-of-way?" - Response #4 on Page C2-21</p>

Citizen Comment(s)	Response Sent
<p>I am writing in support of the final environmental impact statement (FEIS) for the DC2RVA segment of the Southeast high speed rail project and request that the FEIS be finalized so that the project may move forward to construction. I will continue to note that the one serious shortcoming in the recommended preferred alternative is the lack of high level station platforms through the entire length of the project area. High level platforms are a necessary component of a successful higher speed rail program as they allow for: · Faster, all door boarding · Easier train accessibility for all passengers · Shorter station dwell times · Reduced travel time It is time for Virginia to move Virginia Railway Express rolling stock towards dual level boarding capability so that the full value of higher speed rail in the Southeast can be realized. Thanks to DRPT for all of the hard work in getting the DC2Richmond improvement project to this final stage of environmental and project review.</p>	<p>Thank you for your comments on the Final Environmental Impact Statement for the Southeast High Speed Rail, Washington, D.C. to Richmond, Virginia (DC2RVA) project – we appreciate your support for the project and your interest in improving passenger rail service.</p> <p>FRA and DRPT evaluated the use of level boarding platforms at stations throughout the DC2RVA corridor in both the Draft and Final EIS, recognizing the many advantages to passenger rail service. In the Final EIS, the Preferred Alternative does include a level boarding platform at the new Staples Mill Road Station on track dedicated to passenger trains. However, for most station/platforms, it was determined that level boarding platforms were not feasible or practicable as tracks serving the station platforms are shared with freight trains operated by CSXT, the owner of the rail line on which the passenger trains operate. Level boarding platforms are not practicable on track utilized by freight trains.</p> <p>Appendix C of the Final EIS provides detailed responses to general public comments on the Draft EIS, including comments similar to yours. To find answers to these comments, please refer to Appendix C1 (Index to General Public Comments), which lists the questions that DRPT responded to. The intent of this index is to provide a way to easily browse all questions that were asked by the general public and locate detailed responses by topic. For your comments, please refer to the “Station Evaluation” section of Appendix C. Specifically, detailed responses are provided to several topics regarding “Concern regarding proposed level of boarding platforms at station as part of Project improvements”, which is Response #3 of Page C2-28.</p> <p>Again, thank you for your comments and interest in passenger rail.</p>
<p>Thank you for the opportunity to comment on the Final EIS for the DC2RVA project. While most of the project was already covered in the Draft EIS phase the identification of a preferred alternative for section 5 through Ashland was not made at that time and it is important that the public be able to respond to this selection before the ROD is issued.</p> <p>The selection of Alternative 5A is likely to severely constrain future rail capacity in Virginia and the entire Southeast corridor and result in congestion delays pollution and fatalities. This is the main line for both freight and passenger rail on the East Coast and alternatives have severe constraints and are not suited for passenger rail in this corridor. Keeping rail capacity at two tracks through Ashland as rail traffic increases is likely to cause congestion and delays which will affect both Ashland by closing off for more of each hour East-West access in the town and on a major state road and the state and region by delaying traffic and reducing the usefulness of passenger rail. It will also push traffic to already congested roads such as I-95 and Routes 1 and 301 which will increase congestion pollution delays and fatal crashes. This is bad locally regionally and nationally.</p> <p>The Alternative 5C will help Ashland by eliminating freight trains that pass slowly through town and often stop blocking critical access within the town. Grade separation in the town would be highly disruptive but building a bypass in rural land affects the</p>	<p>Thank you for your comments on the Final Environmental Impact Statement for the Southeast High Speed Rail, Washington, D.C. to Richmond, Virginia (DC2RVA) project – we appreciate your interest in improving passenger rail service. Appendix C of the Final EIS provides detailed responses to general public comments on the Draft EIS, including comments similar to yours. To find answers to these comments, please refer to Appendix C1 (Index to General Public Comments), which lists the questions that DRPT responded to. The intent of this index is to provide a way to easily browse all questions that were asked by the general public and locate detailed responses by topic.</p> <p>For your comments, please refer to the “Public Involvement” section of Appendix C. Specifically, detailed responses are provided regarding “There needs to be a formal comment period on any recommendations in Area 5 prior to the next step in the process”, which is Response #3b on Page C2-16. Additionally, the potential environmental impacts of all Build Alternatives, including residential replacements, were summarized in Section 3 of the Draft EIS Executive Summary and detailed in Chapter 4 of the Draft EIS. In the Final EIS, the basis and justification for selecting 5A as the Preferred Alternative is detailed in Section 4.3.5.2.</p> <p>Again, thank you for your comments and interest in passenger rail.</p>

# RESPONSES TO GENERAL PUBLIC COMMENTS ON THE TIER II FINAL EIS

Citizen Comment(s)	Response Sent
<p>least number of people while maintaining the benefits of an improved rail network. Given the latest route suggestion I saw only 2-3 houses would be directly in line of the bypass and while others may choose to move this is a very small number of people disrupted compared to the building of new highways which often disrupt thousands or tens of thousands of people. It is no coincidence that the building of interstates in the urban parts of the Richmond area was hugely disruptive to tens of thousands -- often low-income and minority residents -- and was implemented on multiple occasions while the building of this rail bypass in a rural area which would affect a few dozen people in a county with a median household income of \$77000 a year and is largely white especially in this part of the county is being passed by.</p> <p>I understand that this alternative was selected as a compromise but the main result of it is to compromise the viability of passenger rail in Richmond Virginia and the Mid Atlantic. The costs of fixing this mistake in the future after much of this area gets slotted for development and many of the people apparently being protected leave anyway will increase dramatically. The penny wise pound foolish Alternative 5A will cost more reduce passenger and freight rail usage encourage interstate widening increase pollution increase sprawl and do a disservice to residents of the Commonwealth and the East Coast. As the project is still in need of much funding the time constraints are not as dire as otherwise would be and the FRA should consider either mandating Alternative 5C for this project or reopening Alternative 5 for further review before issuing an ROD. While that might create some opposition or risk it is better to get this project correct now rather than go through with a project that while otherwise a positive step will likely have significant issues if this critical component is not dealt with.</p>	